

Present: Bob Elliott, Chairman; Emily Boeing, Kris Masterson, Rob Rand, Pete Steeves, Pat Swain Rice

Absent: Tim Dinsmore

8/3/2021 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - The Commission Will Consider A Request For Determination Of Applicability Filed By David Sullivan To Replace A Failed Sewage Disposal System Within The Buffer Zone Of BVW At 75 East Street.

Kevin Ritchie with Civil Solutions represented David Sullivan, who was also on the call. The project will replace a failed septic system. A paved driveway separates the proposed work from the wetlands and erosion control is proposed along the driveway edge. The existing septic tank will be reused and the proposed work will replace the leaching field in the same location where the current leaching field is located. Using the same location eliminates grading, tree removal, filling, etc. The system would be located in the highest point to meet the groundwater offset. The system will be located 90' from BVW. The system is fully compliant with Title V. Terrasi completed a site visit. Terrasi requested the erosion control be installed, then inspected by the Commission before any work begins. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a negative Determination #3, the work will take place within the buffer zone but a Notice of Intent is not required, and #6, the work is allowed under the Bylaw.

- B. 7:15 PM - The Commission Will Consider A Notice Of Intent Filed By Ken Tully To Construct A Single-Family Dwelling, Driveway, Well, Septic System, And Utilities Within The Buffer Zone At 64 East Street.

Jeff Hannaford with Norse Design Services represented the applicant. Two lots were created in 1982 but the lots had to be combined (2010) for the lot to meet zoning. The lot line between the two original lots was extinguished and the combined lot is 2.2 acres. The wetlands are located to the rear of the lot running left to right. The wetlands to the right of the property are closer to the street. The house and septic system are located to the left of the lot to maintain the 50' buffer. This is a buffer zone project. The driveway and front yard are outside of the buffer zone. The erosion control (silt fence and straw wattles) is located 50' behind the house and erosion control is located on three sides of the project. The site is estimated/priority habitat with NHESP. NHESP provided a response today requesting a Turtle Plan be submitted and approved prior to construction, which will be included as a condition. Rice requested the erosion control line be identified as the limit of work. Rice also commented that other projects in this part of town have seen a very high water table and this site is actually closer to wetlands. Hannaford said the water table is 2 1/2' to 4' in depth. It is somewhat high in the area. They set the cellar floor above the groundwater elevation so they don't anticipate dewatering for that but they have included a detritus pit with haybales. The site is very flat. The front of the house will have fill. Rice wanted to ensure that clean fill brought onsite is "clean" and does not contain invasives. Using clean fill will be a condition added to the Order of Conditions. Terrasi asked if the fill to be used could be stockpiled two to three weeks prior to use. Rice suggested a black tarp be used to cover the fill. Terrasi asked whether posts and no-disturb signs should be required. Elliott said there should be 4" X 4" pressure-treated posts with 6-12" exposed with "50' no-disturb" signs installed to prevent future disturbance within the 50' buffer. It was agreed five posts with signs would be installed. The locations were identified at the public hearing. Steeves commented on the encroachment into wetlands of other developments in the area and stated he does not support this project. Masterson asked Steeves for an additional explanation to understand Steeves' comments. Steeves stated there are blanding turtles in the area and there was a clear cut of many trees about eight years ago and he expressed concern for work within the 100' buffer. Steeves expressed concern with the high water table. Elliott said State regulations allow work within the buffer zone and this project is within the buffer zone. On a motion from Elliott, seconded by Rand, with Steeves voting against the motion, the Commission

VOTED: in favor of the motion 5 to 1, to issue an Order of Conditions.

- C. 7:25 PM - Continuation Of Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Kendra Spoth To Complete Construction Of A Single-Family House Within The 100 Ft. Wetland Buffer Zone Of BVW At 181A South Rd.

The public hearing was continued to August 17, 2021.

- D. 7:35 PM - Continuation Of Public Hearing: The Commission Will Consider An Abbreviated Notice Of Resource Area Delineation Filed By Ron Koivu Of Harbor Classic Homes, L.L.C. For Review Of A Bordering Vegetated Wetland And Riverfront Boundary Delineation At 10 & 14 Cranberry Street

The public hearing was continued to August 17, 2021.

2. Review Of Draft Minutes

- A. Review Of Draft Minutes Of July 13, 2021

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of July 13, 2021, as amended.

3. For Signature: Schedule Of Bills Payable

None

4. Conservation Administrator's Report

Terrasi commented that the third treatment of the water chestnuts on the Nashua River was scheduled for Thursday, August 5 with a rain date of August 6. Treatment is foliar (herbicide applied to the leaves). It is important that boaters avoid treated areas as wakes created by passing boats could wash the herbicide off the leaves.

5. Master Plan Implementation Update

None

6. Other Business

- A. Request For Certificate Of Compliance - 5 High Oaks Path 259-345 (Expired And Replaced With 259-438, Which A C Of C Has Been Issued)

Terrasi stated MassDEP file number 259-345 expired and MassDEP file number 259-438 was issued for the same work. A Certificate of Compliance was issued for MassDEP file number 259-438 but there was no Certificate of Compliance requested for the expired Order of Conditions 259-345. Terrasi requested the Commission issue a Certificate of Compliance for an Invalid Order of Conditions to clear the Order of Conditions for MassDEP file number 259-345. On a motion by Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance for 259-345.

B. 401 Water Quality Certification Site Visit With MassDEP Wetlands And Waterways Program At Keyes Parker Conservation Area - Tuesday, August 3, 2021 11:30 AM

A site visit took place at the Keyes Parker Conservation Area with MassDEP to discuss the dam removal and culvert replacement. A 401 Water Quality Certificate will be issued in the future.

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

Rand questioned the pink ribbons (flagging tape) placed on vegetation such as the invasive Autumn Olive at the Keyes Parker Conservation Area. He wanted to discuss the ribbons with Pat Swain Rice or Deb Fountain, who are members of the Invasives Species Committee. Rice commented that she and Emily Boeing are members of the Invasives Committee. The flagging is in place to help an intern who has been hired using funds from a grant that Fountain received. This is a pilot and the intern will map the invasives. They chose this location because it has many invasives and has public access. Rand will avoid removing plants with pink ribbon. The intern has a full-time job but we may run into him at the Keyes Parker Conservation Area as he completes this work.

The next Conservation Commission meeting is scheduled for Tuesday, August 17, 2021 at 7:00 PM. Boeing, Rice, and Steeves will not be in attendance at the meeting.

Respectfully submitted

Paula Terrasi/Conservation Administrator