

Conservation Commission Meeting Minutes
November 9, 2011

Members Attending: Kate Faulkner, Tim Holiner, Rick Weden, John Sullivan, Sandy Sheble-Hall, John Sheehan, Larry Clawson, Tim Chorey and Agent George Giunta.

Member Absent: Candace McCann

Continued Hearings:

31 Miller Hill Road-continued Notice of Intent hearing, DEP#144-680

Present: Joyce Hastings, GLM Engineering. This hearing for concrete pads to hold a generator was continued from the previous meeting due to lack of DEP issued file number. Ms. Hastings also submitted a revised plan dated 10-27-11 showing the 40 ft no-structure line on the plan and the generator/concrete pads moved back 15 ft to locate them outside the 40 ft no-structure zone.

Motion made, seconded and unanimously voted to close the hearing and issue an Order of Conditions based on the revised plan dated 10-27-2011.

Dedham Street, Caryl Park – continued Request for Determination hearing

Present:

Patrick Garner of the Patrick Garner Co., representing the applicants.

David MacTavish, Park & Rec

Attorney Luke Legere, McGregor & Associates, Counsel to the applicants.

The applicants-Citizens for the Preservation of Caryl Park

Carol Lisbon, Selectman

Also present: The Commission's wetland consultant, Paul McManus.

The hearing was continued from the August 24, 2011 meeting. There were 2 site visits held, September 15, 2011 was a group site visit, and October 5, 2011 was the wetland consultants, Mr. Garner and Mr. McManus.

Attorney Legere noted the application for wetland identification was filed under the Dover Bylaw and focused solely on vegetation identifying five (IVW) Isolated Vegetative Wetlands.

Mr. McManus noted Areas A – E have wetland indicator species, but he disagreed with basing the determination only on vegetation. The definition talks about hydrology and topography related to IVW. There are no hydric soils and no pronounced depression in each area. He noted that the use of vegetation in the Dover Bylaws is to establish the edges of the wetland, not the existence of the wetland itself.

Mr. Garner said the vegetation are species of plants considered facultative wet.

Agent Giunta said without topography you cannot tell if there is a depression. Mr. McManus said the areas would be contiguous at the bottom if there were depressions. All areas total do not exist at a topographic low point. He said in the field, the topographic review can't be viewed on a large scale. There was also discussion among the Commissioners regarding the relevance of size in designating a wetland , in order for it to promote and support a wetland ecosystem.

Motion made, seconded and unanimously voted to close the hearing.

Motion made to issue a negative determination on areas A, D, and E. Seconded and unanimously voted.

Motion made to issue a positive determination on areas B and C. 3 in favor, 3 opposed. Motion fails.

Motion made to issue a positive determination on area C. 4 in favor. 2 opposed.

Motion to issue a positive determination on area B. 2 in favor. 4 opposed.

Area C is only area with a positive determination for IVW under the Dover Bylaw.

Miscellaneous:

Minutes

Motion made, seconded and unanimously voted to approve the minutes of October 26, 2011.

Meeting adjourned at 8:45 pm

Respectfully Submitted,

Lori Hagerty
Administrative Assistant