

Conservation Commission Meeting Minutes
June 10, 2020
HELD REMOTELY USING ZOOM

Present at the Zoom meeting were:

Chairman John Sullivan

Tim Holiner

Amey Moot

Sarah Monaco (until 9:30)

Jim McLaughlin

Christy Violin (until 9:30)

David Stapleton by phone (until 10:00)

Also present was consultant to the Commission, Agent Janet Bowser and Wetland Scientist Paul McManus of EcoTec

Requests for Determination of Applicability

2 Conrick Lane, Rob and Lesley Daniels, tree removal request

Having been duly published, the Commission opened the hearing. Agent Bowser recommended approval with 4 conditions in her memo dated 6/8/20. She has visited the site and observed the trees to be a safety issue. Motion made, seconded and unanimously voted to close the hearing and issue a Negative Determination of Applicability with the conditions listed in Agent Bowser's memo dated 6/8/20:

1. All machinery, such as a bucket truck, used to cut and remove the 5 trees on the east side of the property must be located in the owner's driveway. Given the location of the septic system, all machinery used to remove the 2 trees on the west side of the property is allowed to access through the lawn but must stay as far away from the wetland as possible (at least 25 ft.)
2. Two feet (2') of the tree trunk must remain in place for all trees within 30 ft. of the wetland resource areas in order to provide for stabilization and wildlife habitat.
3. All sections of the removed trees including wood chips shall be disposed of outside the 100 ft. BZ.
4. The Negative DOA should state that the Commission has not approved the wetland delineation shown on the submitted plan since DEP Delineation Field Data Forms were not submitted and as a result the delineation cannot be confirmed.

20 Old Farm Rd., DiFabio, Septic svstem, GLM Engineering

Having been duly published, the Commission opened the hearing. Joyce Hastings of GLM Engineering reviewed the plan. Agent Bowser recommended the following:

1. The site plan should be revised to extend the erosion control line along the entire length of the driveway on both sides and along the southwest border of the road to prevent any impact to the wetlands.
2. The Negative DOA should state that the Commission has not approved the wetland delineation shown on the submitted plan since DEP Delineation Field Data Forms were not submitted and as a result the delineation cannot be confirmed.

Motion made, seconded and unanimously voted to close the hearing and issue a negative determination with the conditions as stated above.

Continued Request for Certificates of Compliance

144-510 78 Claybrook Rd. Farooqi, Chenev Eng. - continued

Ardi of Cheney Engineering and homeowner Mr. Farooqi were present to discuss the Request for COC. Agent Bowser stated she needs a paper copy of the plan and a letter as required. Ardi stated the grade is the same so there is no need for a full-size plan. Agent Bowser said she needs a full-size plan with elevations to compare with the As-Built Plan. Ardi stated the full-size plan does not show elevations. He said 8 years ago it was agreed to go by square footage. Ardi said the actual landscaping was higher than originally proposed. He showed the plan and the flood plain elevation. The Chair stated that the idea is to get the level back to the actual flood plain level prior to construction. Ardi discussed the driveway elevation and excavation. He stated prior to any work Cheney Engineering will stake the area and meet on site with Agent Bowser. Agent Bowser stated she'd like a copy of the full-scale plan Ardi presented at the last meeting. The Chair said to add stakes showing the approximately cuts. Show on the plan and present at the site visit. The Chair added, to Ardi - look at the square footage, and calculate the sum of cubic feet, connect to the approximate number of what the original grade had + or - 10% would be fine. Agent Bowser stated she needs that on the plan, large scale, prior to the site meeting. Ardi showed 2 areas of fill that were done. At approval, calculations were done in sq. footage. He showed the areas which could be lowered. The Chair is fine with a notation on the plan and grade stakes on the ground and Agent Bowser site visit. He said note on the plans few sample grade cuts. Agent Bowser needs a copy and a copy for the file shall be submitted. The EO will remain open.

As recommended by Paul at the May 13th meeting, the Commission decided to issue an Enforcement Order to the owner of 78 Claybrook Rd., since the OOC has expired and additional site work is required in order to receive a Cert. of Compliance. Issued by mail with all Agent Bowser's recommended conditions as listed below:

1. Submittal of a narrative descriptive memo outlining the amount of compensatory flood storage that was required in the OOC and the amount of the current storage deficiency and how and where the owner proposes to provide the additional required storage. The Owner should submit the memo along with a revised Site Plan showing the specific locations and elevations of existing and proposed compensatory storage including the restoration of the floodplain area adjacent to the driveway that the owner has filled in violation of the OOC.
2. The required memo and site plan will be reviewed and approved by the Conservation Agent and/or the Commission.
3. Once the site plan is approved, the owner's representative will implement the plan with oversight by the Conservation Agent.
4. Once the approved plan has been implemented, the owner must submit a revised Certificate of Compliance Request that includes a signed certification letter from a Professional Engineer that the required compensatory flood storage has been provided in compliance with the approved plan.

NOTE: The Applicant electronically submitted some revised information during the May 27th meeting, but did not submit all required new information including a hard copy of a revised site plan. This information must be received at least one week prior to the meeting at which it is to be discussed.

Continued Discussion

144-776 (E.O.) 57 Draper Rd., Saber, trees cut in buffer zone, compliance - continued

Ardi Rrapi of Cheney Engineering was present for the homeowner, Stephen Saber. Agent Bowser said now is the time to control invasive plants that have grown in. The invasive plants will overwhelm the trees and shrubs. They should be removed manually and continued to be monitored for 1-2 years. She said remove invasive plants by hand, no herbicide, and let native plants grow in. She needs a large-scale plan and a November report. Ardi will provide. She said 6 trees have died. Ardi and the homeowner stated replacement trees were planted at the property line where the neighboring abutter requested. The Chair said proceed with invasive management and the abutter will be contacted to see what was initially required. Paul McManus agreed with Agent Bowser's comments regarding invasive plants.

Continued Notice of Intent — Haven Meadows Roadway

144-842 Haven Meadows Rdwy NOI – Corrigan, Cheney Eng.

There was a site visit on Thursday, 6/4/20. Revised options were emailed out to the Commission after the required deadline of 1 week prior to the hearing. A memo was sent by the Chair regarding a progress presentation to be heard at the meeting by the applicant. Ardi of Cheney Engineering reviewed the plan and indicated the applicant considers it the final plan. Present for the applicant were Attorney John Shay, Richard Kirby of LEC, Patrick Corrigan of Corrigan Developments, and Ardi Rrapi of Cheney Engineering. Ardi reviewed the plan changes narrative, revised 6 plans. The applicant proposed:

- 2 catch basins on Haven Terrace
- widening of Haven Terrace
- Lowering the road grade, swale outside the buffer zone
- stilling basin moved outside the 100' buffer
- trees to remain #59, #60, #61 now due to relocation of stilling basin
- EC around stilling basin
- update construction sequence
- noted on plan diseased trees
- house lots will require individual OOC
- wall profile now 1 h ft lower than previous
- wall higher than ground level

Applicant requested to submit final plan on Friday and ask the Commission to issue a determination on 6/24.

Ardi discussed the intermittent stream and how the delineation was done. He stated that he was not allowed on some abutting properties so the delineation stops at the property line. He also added to each page of the plan the requirement that an NOI will be needed for each house lot that is jurisdictional.

The Chairman spoke regarding the request for waivers and public benefit. He asked the applicant to keep this in mind. Ardi stated he will work with Town Engineer regarding the catch basins. Agent

Bowser asked for a written response to comments since the June 3 plans and also to document conversations with the Highway Dept. She also stated there are 3 waivers to be requested per her memo dated 6/8/20.

Richard Kirby of LEC spoke about the overriding public purpose as:

1. Needed housing
2. Tax revenue
3. Correcting stormwater issues
4. Bus stop with street widening

Jim McLaughlin stated destruction of tree cover is not a public benefit and 2 catch basins does not make up for that. The applicant stated many trees were dead and were not included in the total tree count.

Richard Kirby proposed 1 – 1 ½ “ caliper trees to encourage more growth and more root establishment. He said smaller saplings do better over time. Richard said 1 week ago an Alternatives Analysis was submitted with 7 alternatives listed.

Agent Bowser said the narrative is general. The Commission will need to vote on 3 individual waivers. Agent Bowser said the applicant should outline the alteration for each waiver. How much, the value, and state the overriding public purpose. The Chair asked how many trees were proposed to be planted. Ardi said 68 trees. He said 100 saplings plus 68 in the wetland buffer, so total 168 to be planted. Richard Kirby said there will be cleaner water headed toward the wetland with 3 to 1 wetland replication. The WPA recognizes upon maturity, sapling trees will replace the wetland functions and values. The Chair mentioned the invasive management of the Barberry and replace it with native plants. Richard Kirby said the management of invasive species for the entire site is an impossible task. Maybe the Japanese Barberry near the stream crossing to be taken under advisement. Paul McManus said the applicant has an opportunity to provide some benefit, particularly along the stream. Agent Bowser suggested an invasive assessment along the stream and it would weigh in with the waiver requests. Richard Kirby said the applicant will look into that. The Chair asked, regarding buildable lots, if the applicant would be under the 50% requirement for tree cover. Ardi said without showing the house locations, it is hard to say. Ardi proposed bounds at the 25' buffer zone. Agent Bowser said the tree cover is looked at in its entirety and not separately. Amey Moot discussed some areas in the Bio-Map of Core Habitat. She specified Lots 2,3,4, and the turnaround. Paul stated the Core Habitat is not addressed by the State and Dover regulations. It is identified by the State as a natural area with more than natural significance. As you are weighing things, those areas of natural habitat may carry more weight. Richard Kirby stated the Bio-Map is not regulatory. The areas mentioned are not areas where much work is proposed. Agent Bowser asked about Stormwater comments. The Chair is looking for a letter from Town Engineer, Mike Angieri. Ardi asked about item 6, revising the construction sequence. Agent Bowser wants house lot permits prior to any road construction. Richard Kirby said construction sequence can be looked at, but disagreed with that requirement. There was a suggestion of increasing the bond amount. Ardi suggested a combined meeting with Planning Board and Conservation to discuss bond.

The Chair opened the discussion to abutters and others in attendance at the public hearing. Abutters disagree with the overriding public benefits as stated. They do not believe the benefits justify the wetland impact. Abutters are concerned that widening the road will take land away from existing

homes. Additionally, they questioned replication areas and staging areas. They questioned if trees were planted at #8 Haven Terrace after the Certificate of Compliance was issued in January. Attorney John Shea said there is an issue with issuing house Orders of Conditions (OOC) alongside the roadway OOC. The Chair suggested he submit a letter stating his concerns regarding that issue. An abutter discussed changing the location of the roadway. Abutters spoke about the requirement to receive documents 1 week prior to the meeting. On behalf of the applicant, Ardi requested a continuance to 6/24/20.

Discussion

EO 19 Pond Street — Agent Bowser requested to continue to 6/24 while waiting for wetland report.

48 Farm St. EO The Commission discussed sending a letter to homeowner that states stop using the back paddock immediately, enclosing the original EO and give a date to have the fence removed. No horses in the back paddock or fines to be issued.

Motion made, seconded and unanimously voted to remove the fence within 14 days between the fence posts and stop use of the back paddock immediately or fines of \$300 per day issued. Mow once per year in the fall to retain wet meadow. Confirm in writing when complete. Send certified mail.

7 Willow St., Comisky

Send reminder letter homeowners need to remove wood chips from the 100' buffer within 3 weeks per original agreement and send confirmation in writing when complete.

11 Stagecoach Ln

Sport vehicle tracks and brush stacking in buffer zone per pictures sent on 6/3. Send friendly letter reminding homeowner of no activity beyond the lawn within 100' of wetlands. Violations may be subject to EO and fines.

Meeting adjourned at 11:15 PM.

Documents:

Agent Bowser comment memo dated 6/10/20, submitted 6/8/20.