

#### **CONSERVATION COMMISSION MINUTES**

December 6, 2017

Julie Flynn, Chair, called the meeting to order at 7:00 p.m. Laurie Finne, Vincent Licciardi, Theron Bradley, Donald Pearson, and Michael McInnis were present. Sharon Kelley-Parrella was absent. Ryan Hale, Conservation Agent, and Catherine Pepe, Senior Clerk of Planning & Conservation were also present.

### PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY-55 Chestnut Street – Map 16 Parcel 2B

Documents: Plot Plan, dated May 25, 2017

Letter from Norse Environmental Services, Inc., dated November 13,

2017

GIS Map, dated October 30, 2017

Memorandum from Paul Alunni, Town Engineer, dated November 30,

2017

Present in Interest: Michele & Thomas Reed, owner

M. Reed presented their proposal for constructing a 28'x 28' addition that will be about 96' from the wetlands.

R. Hale stated that the infiltration system will be closer to the wetlands. He questioned the distance from the infiltration system to the septic system per the Town Engineer comments and T. Reed stated that it is on the opposite side of the house. R. Hale recommends a Negative 3 Determination with the condition that the homeowners submit a revised plan showing that the current septic system meets the required setbacks from the infiltration system.

Upon motion duly made and seconded, it was unanimously

VOTED:

To issue a Negative Determination of Applicability (3) for 55 Chestnut

Street - Map 16 Parcel 2B

## PUBLIC MEETING - REQUEST FOR DETERMINATION OF APPLICABILITY-635 Main Street - Map 39 Parcels 8 & 8A

Documents: Existing Conditions Plan, dated November 20, 2017

Present in Interest: Steven Eriksen, Norse Environmental Services, Inc.

S. Eriksen distributed plans with colored resource area and buffer lines. This RDA is after the fact for the removal of about 10 trees that are less than 6" in diameter. There

will be an NOI filed in the future for additional site work and the applicant is requesting to replace the trees at that point.

R. Hale agreed with the proposed approach and recommended that the trees be replaced within the 3 years that the RDA is valid and if not, to issue an Enforcement Order.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability (3) for 635 Main Street

- Map 40 Parcel 1

## PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 36 Ashwood Avenue – Map R4 Parcel 27

Documents: Plot Plan, dated November 14, 2017

Memorandum from Paul Alunni, Town Engineer, dated November 30,

2017

Present in Interest: Dan Reynolds, Avatar Construction, Inc.

D. Reynolds presented the project of adding a 2-story 20' x 28' detached garage to the existing structures on the lot. The new structure will house a home brewery on the 1st floor and a finished bathroom on the 2nd floor.

R. Hale stated that the proposed structure is about 30' into the 100' buffer zone and that silt fence should be used for erosion control. If any changes are made when the building permit application is presented to Building Dept., then the applicant will need to submit revised plans for possible re-approval.

M. McInnis questioned why the garage could not be 5' closer to the existing house, impacting less of the buffer zone. D. Reynolds explained that there is an existing basketball pole in the way that the homeowner does not want to move.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue a Negative Determination of Applicability (3) for 36 Ashwood

Avenue - Map R4 Parcel 27

## PUBLIC MEETING – REQUEST FOR DETERMINATION OF APPLICABILITY – 23 Concord Street – Map 77 Parcel 11H

Documents: Site Plan, dated October 17, 2017

Present in Interest: Andrew Burek, The Richmond Company, Inc.

Andrew Burek presented the installation of an 8' fence within the 100' buffer zone and 200-foot Riverfront Area.

R. Hale asked if the fence would be 6" above the ground for wildlife passage or if the wildlife passage requirement would be met through another type of design. A. Burek

said the fence would be a standard 8' stockade fence that the applicant would keep 6" above the ground.

R. Hale recommended a Negative 5 Determination with the conditions to meet the wildlife passage requirements in the Wetlands Protection Act.

Upon motion duly made and seconded, it was unanimously

VOTED:

To issue a Negative Determination of Applicability (5) with the condition that it be installed 6" above the ground for wildlife passage for 23 Concord Street - Map 77 Parcel 11H

#### CONTINUED PUBLIC HEARING - NOTICE OF INTENT - 730 Main Street - Map 39 Parcels 8 & 8A - DEP File #344-1372

Documents: Letter from Linden Engineering Partners, LLC, dated November 20, 2017

Locus Plan, 4 pages, revised 11/17/17

Present in Interest:

R. Cutts, Linden Engineering Partners, LLC

Christopher Remick, DSM Resins

R. Cutts briefly reviewed the project and the additional requirements requested by P. Alunni, Town Engineer. Based on P. Alunni's request, an additional test pit was dug and it was discovered that there are 6" of loam on top and that the remaining soil is sand. Based on that, Linden Engineering changed the plans to allow removal of all the top soil and replace it with sand up to 6" from the surface. Crushed stone will then be installed to the remaining 6". Linden Engineering will also add a catch basin hood to the outlet pipe on the catch basin located near the proposed building. This will improve the flow.

R. Hale stated that the applicant has addressed all of Engineering's and Conservation's concerns and is satisfied with the revised plan.

Upon motion duly made and seconded, it was unanimously

VOTED:

To close the Public Hearing for 730 Main Street - Map 39 Parcels 8 & 8A

VOTED:

To issue an Order of Conditions for 730 Main Street – Map 39 Parcels 8

A8 &

#### PUBLIC HEARING - NOTICE OF INTENT - Clifton Street - Map 16 Parcel 40 - DEP File #344-1373

Documents:

Subsurface Sewage Disposal Plan, dated September 5, 2017

Memorandum from Shelly Newhouse, Health Director, dated November

15, 2017

Bordering Vegetated Wetland Delineation Field Data Form, dated

February 22, 2017

Memorandum from Paul Alunni, Town Engineer, dated November 30,

2017

- S. Eriksen distributed revised color coded plans for constructing a new home on Clifton Street, a paper street. The 38' long house will bring it to about 9' from the wetlands. According to S. Eriksen, the house cannot be moved further away from the wetlands due to property line and septic setbacks. A 2  $\frac{1}{2}$ ' 4' wall with be built around the property using concrete blocks.
- R. Hale asked why the house could not be moved further away and suggested S. Eriksen speak to Al Spaulding, Building Inspector, to check on setbacks for a structure on a paper street. He questioned the need for a deck instead of just a set of stairs. S. Eriksen stated that a second egress is necessary and he will do an alternative analysis for a second egress.
- R. Hale questioned the need for a retaining wall. S. Eriksen stated that the retaining wall would act as a barrier for the wetlands. R Hale asked the applicant to continue the demarcation around the property & up the driveway and S. Eriksen agreed to do that. R. Hale would rather see something other than a retaining wall. J. Flynn stated that the retaining wall might become a barrier for wildlife and L. Finne stated that the retaining wall may become a temptation for dumping. J. Flynn questioned the accuracy of the 15' setback as shown on the plan just distributed. S. Eriksen checked the scale and stated that it is incorrect on the drawings. He will revise the drawings and correct that error. J. Flynn asked if the house could be changed to a 3 bedroom and if that would shrink the size of the septic system. S. Eriksen said no, but then said he would double check. L. Finne asked if a variance would help, but S. Eriksen said no as it does not qualify for a variance under the variance guidelines.
- M. McInnis questioned if there were stairs coming off the deck as they weren't any shown. S. Eriksen said there are steps and they would be shown on the plans after the alternatives are explored.
- J. Langone stated that he did speak with Al Spaulding, Building Inspector, and the 40' setback exists, but he will double check with Al to be sure.

VOTED:

To continue the hearing for Clifton Street – Map 16 Parcel 40 – DEP File #344-1373 until the January 3, 2018 meeting

## PUBLIC HEARING – NOTICE OF INTENT – 9 FACTORY STREET – Map 27 Parcel 4A – DEP File #344-1375

Documents:

As-Built Plan, dated October 17, 2017

Interim As-Built Floodplain Volume Calculation Plan, dated January 9,

2015

The meeting was opened, but there was no representation for the applicant at the Meeting.

Upon motion duly made and seconded, it was unanimously

VOTED:

To continue the Public Hearing for 9 Factory Street – Map 27 Parcel 4A –

DEP File #344- until the January 3, 2018 meeting.

# ABBREVIATED NOTICE OF RESOURCE OF AREA DELINEATION - 36 & 38 Upton Drive - Map R1 Parcels 18 & 18L - DEP File #344-1374

Documents: Abbreviated Notice of Resource Area Delineation Plan, 2 pages, dated

October 27, 2017

Present in Interest: Todd Morey, Beals Associates, Inc.

Matthew Costa, Beals Associates, Inc.

T. Morey stated that the DEP has not issued a file number yet, but that he would like to review some of the items that were discussed at a site visit with R. Hale last week. Wetlands on the site have been delineated as part of an ANRAD/ORAD in the past, including a certified vernal pool. Another wetland area was found on an adjacent property and jurisdiction of a drainage is also in question. Some flags were moved as a result of the site visit, but nothing substantial. Test pits were dug in one area R. Hale questioned and more test pits will be dug to confirm soil characteristics in that location.

In 1998, a vernal pool was certified by National Heritage. Later on, some bedrock was inadvertently dynamited and fractured as part of a Town sewer improvement project. This blasting may have drained the vernal pool. A vernal pool was created within wetlands on the site as mitigation and certified by Natural Heritage, and the original vernal pool was decertified as a vernal pool.

T. Morey and R. Hale agreed that the former vernal pool was no longer jurisdictional after their site walk. R. Hale stated the vegetation no longer passes wetland criteria and there is no evidence of hydrology as it has been drying for about 20 years. There is a stormwater basin that may be jurisdictional. There is an area where a portion of two (2) of the existing buildings have drainage systems that run into the basin. There are plans from 1981 that showed wetlands in that area prior to construction of the basin and T. Morey checked with DEP on the status of the jurisdiction of wetlands that are stormwater features. The applicant dug test pits in the area as shown on the 1981 plans and has since determined that the wetland soils no longer exist.

R. Hale stated there was an old Order of Conditions for 35 Upton Drive for a road where wetland mitigation was done in the basin and in the downgradient swale. R. Hale would like to further review the hydrology, review the files more, and discuss his findings in detail with T. Morey to determine if the wetland and downgradient swale are jurisdictional. R. Hale asked for soil profile sheets when they go out to dig additional test pits. T. Morey referenced a memorandum (distributed at the meeting) from Patrick Connolly of Beals Associates, Inc. that addresses a discussion with Judy Schmidz, DEP Central Region Circuit Rider. T. Morey explained that per J. Schmidz, stormwater basins constructed after November 18, 1996 were not considered resource areas, provided they were constructed properly and not within the buffer zone of another resource area. T. Morey referenced WPA 310 CMR 10.02, sections 3 and 4 has the language regarding this.

R. Hale said the wetlands probably extend onto adjacent Town owned land and that he would like them flagged as well where applicable with respect to the buffer zone on the subject parcel. T. Morey and R. Hale will walk the site and review the area again.

VOTED:

To continue the Public Hearing on the Abbreviated Notice of Resource Area Delineation for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L –

DEP File #344- until January 3, 2018 meeting

CONTINUED ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading Avenue, Peabody Avenue, and Lynn Avenue – Map 10 Parcels 5, 5A, 6, 52A, 53, 51, 50, 49, 42, 41, 40, 39, 38, 37, & 36 – DEP File #344-1367

Documents:

Plan of Land 45 Hopkins Street, revised November 9, 2017

Plan of Land Rear of No. 8 Sarafinas Way, revised November 9, 2017 Memorandum from Paul Alunni, Town Engineer, dated October 3, 2017

Letter from Norse Environmental, dated October 4, 2017

Letter from Ryan Hale, Town Conservation Agent, dated October 13,

2017

E-mail from Norse Environmental, dated October 30, 2017 Letter from Norse Environmental, dated November 22, 2017

Letter from Ryan Hale, Town Conservation Agent, dated November 30,

2017

Letter from Benchmark Engineering, Inc, dated November 30, 2017

Present in Interest:

Steven Eriksen, Norse Environmental Services, Inc.

James Castellano, Lily Oak Hill, LLC

S. Eriksen distributed revised color coded plans depicting the wetland resource areas to the Commissioners and the Conservation Agent. He stated that the wetland boundaries had been reviewed by the previous Conservation Agent, W. McGowan and the current Conservation Agent, R. Hale. He stated that per R. Hale's request, several wetland flags were agreed to be revised in the field. The plans had been revised to depict the 100-year floodplain boundary (BLSF) per the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Lubbers Brook. Engineering calculations have shown that the isolated wetland within the review area does not meet the criteria to be considered Isolated Land Subject to Flooding (ILSF). R. Hale agreed that the requested revisions regarding wetlands and BLSF appeared to be accurate on the plans and stated he was in receipt of the engineering calculations regarding ILSF that he also agreed with those. S. Eriksen also stated that the area upgradient of the man-made impoundment within the review area is mapped as a pond on the USGS topo map and does not have Riverfront Area. R. Hale agreed that the portion of that pond within the review area does not have primarily riverine characteristics and should not require Riverfront Area.

R. Hale then asked S. Eriksen to discuss his position as to why Lubbers Brook downstream of the man-made impoundment should not have Riverfront Area. In S. Eriksen's opinion, the perennial status of the stream is questionable as they provided photos for four days showing the dry stream bed immediately downstream of the impoundment. S. Eriksen feels it is therefore an intermittent stream per 310 CMR 10.58(2)(a)1.d. J. Castellano stated that he also took photos over four (4) days at Shawsheen Avenue that the stream was dry, and that the impoundment was created to give the beavers a home. S. Eriksen stated that standing water was observed at Aldrich Road during the observation period. S. Eriksen stated that the well identified by

MassDEP in the area have been inactive for years and that they were not causing drawdown. R. Hale confirmed the abandoned well was not causing drawdown.

R. Hale questioned the intermittent stream status and whether the stream flows through the culvert at the impoundment rather than around where it has eroded. J. Castellano stated the water does flow through the culvert. R. Hale stated that he also observed flow in Lubbers Brook at two (2) locations on Town owned land off Blanchard Road in between the two (2) observation points identified by the Applicant. He stated upon this observation, which was the second day of the Applicant's flow observations, that he called Maureen Herald of Norse Environmental. R. Hale advised M. Herald that at least one other observation point including at the eastern end of the review area would be needed to confirm the stream is not flowing within the entire review area. This is based on the regulations which account for areas where there may be perennial flow upgradient of intermittent flow. Instead, the Applicant provided the observation point at Shawsheen Avenue, a half mile east of the review area and well downstream of any of the other observation points made by S. Eriksen or R. Hale, S. Eriksen stated that he submitted the USGS map that shows the eastern review area as a pond and questioned whether there were streams flowing into Lubbers Brook at R. Hale's observation points, to which R. Hale said he did not know. J. Castellano also questioned R. Hale's observations of flow downgradient of the review area. S. Eriksen presented R. Hale with an aerial photograph and asked him to mark where he made his observations, which R. Hale did. R. Hale responded that he and S. Eriksen agreed in the field that this area mapped as pond exhibited primarily riverine characteristics and is not a pond. It is also not depicted as a pond on the submitted plans. R. Hale also stated that if streams are flowing into Lubbers Brook that would not change the observation of flow in Lubbers Brook.

R. Hale asked S. Eriksen to address how the man-made impoundment affects the flow, as man-made impoundments that significantly affect stream flow may void the four days observed no flow conditions. He noted that the impoundment holds back a significant amount of water during low flow conditions that would otherwise be flowing through the stream. S. Eriksen used a bucket analogy for the pond upgradient of the impoundment, stating that the water will fill the bucket and then slowly overflow once it is full.

J. Flynn agreed that the observation points should be within the approximately 800' long review area along Lubbers Brook. L. Finne asked when the four (4) days of observation were done. S. Eriksen stated August 28, 2017 – August 31, 2017 and reiterated that he feels it is intermittent and will appeal to DEP if necessary. J. Flynn asked why the additional observation point requested by R. Hale was not submitted. S. Eriksen stated that he did not feel it was necessary and that a bridge is necessary to access the stream at the eastern end of the review area and make those observations. The area is filled with muck and even with hip waders would be difficult. L. Finne then asked why R. Hale was not contacted about another agreeable observation point once access was determined to be difficult. S. Eriksen stated he felt the observation point at Shawsheen Avenue was sufficient. J. Castellano said that it is dangerous to go out there due to a large coyote den. J. Castellano feels sufficient evidence was presented by Norse Environmental, that no additional information is necessary and that the Commission should approve S. Eriksen's conclusions based on what was presented.

- D. Pearson, M. McInnis, V. Licciardi, T. Bradley, L. Finne and J. Flynn are not convinced that what is submitted is sufficient to determine that Lubbers Brook was not flowing through the entire review area or that the impoundment does not significantly affect flow in Lubbers Brook within the review area. L. Finne stated that errors sometime occur as was discovered in an earlier application that Norse Environmental submitted and that additional information is needed.
- S. Eriksen again used a bucket analogy, that the water will fill the bucket and then slowly overflow once it is full. M. McInnis stated he disagreed with the argument. The Commissioners unanimously disagreed with the bucket analogy as water seeks its own level and some of the water is evaporating and/or infiltrating into the ground. The burden of proof is on the applicant, and to date, the applicant has not proved this to the Commission as requested prior to the public hearing.
- R. Hale explained that although S. Eriksen has significant credentials as identified by J. Castellano, he has also worked in the same capacity as S. Eriksen for years and that sometimes professionals can respectfully disagree. S. Eriksen stated he does not care about observations 1,000 feet away from the review area and that he would like the Commission to determine Lubbers Brook is intermittent for the first 400' downstream of the impoundment. R. Hale countered that 400' still seems too far of a distance to make a determination of flow status based on one observation point, and that if his observation 1,000 feet away is invalid, the observation point further away at Shawsheen Avenue is also invalid. S. Eriksen stated that he felt he had enough information to go to DEP on appeal for a Superseding Order and would win if the Commission wasn't willing to accept his conclusions. J. Castellano asked the Commission what would be gained by not approving S. Eriksen's Riverfront Area conclusions, when they would just appeal to DEP and get it approved anyway. L. Finne asked S. Eriksen and J. Castellano if they wanted to provide any additional information, to which they declined.

VOTED:

To close the Public Hearing on the Abbreviated Notice of Resource Area Delineation for 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading Avenue, Peabody Avenue, and Lynn Avenue – Map 10 Parcels 5, 5A, 6, 52A, 53, 51, 50, 49, 42, 41, 40, 39, 38, 37, & 36 – DEP File #344-1367 to the December 6, 2017 meeting

VOTED:

To accept as accurate all resource areas except Riverfront Area downstream of the impoundment on the Order of Resource Area Delineation for 45, 47 Hopkins Street, Sarafinas Way, 8 Sarafinas Way, Reading Avenue, Peabody Avenue, and Lynn Avenue – Map 10 Parcels 5, 5A, 6, 52A, 53, 51, 50, 49, 42, 41, 40, 39, 38, 37, & 36 – DEP File #344-1367

CERTIFICATE OF COMPLIANCE - Towpath Drive Map 28 Parcels 1A & 4D Lots 20, 21, & 22 – DEP File #344-280

Documents: Letter from Tomlinson & Hatch, LLC, dated November 15, 2017

R. Hale stated that a Certificate of Compliance was approved at the September 7, 1994 Conservation Commission meeting, but that it does not seem that an actual Certificate of

Compliance was issued. This request is to issue the paper copy of the Certificate of Compliance so it can be recorded at the Registry of Deeds and close out the Order of Conditions.

Upon motion duly made and seconded, it was unanimously

VOTED

To issue a partial Certificate of Compliance for Towpath Drive Map 28 Parcels 1A & 4D Lots 20, 21, & 22 – DEP File #344-280

#### CERTIFICATE OF COMPLIANCE - 9 Factory Street - Map 27 Parcel 4A - DEP File #344-1279

Documents: Letter from Luke Roy, LJR Engineering, dated November 17, 2017

As-Built Plan, revised October 17, 2017

R. Hale stated that the former owner is requesting a partial Certificate of Compliance on portions of the project that are in compliance, and they have submitted a Notice of Intent for the remaining work that was done without the proper wetland permits.

Upon motion duly made and seconded, it was unanimously

VOTED:

To issue a partial Certificate of Compliance for 9 Factory Street – Map 27

Parcel 4A – DEP File #344-1279

### **EMERGENCY CERTIFICATE – 401 Andover Street – Map R3 Parcel 8**

R. Hale stated that this is a follow up to Steve Wright's appearance before the Conservation Commission at the November 1, 2017 meeting. R. Hale said that two (2) trees could be removed under an Emergency Certificate as they posed a danger to the work areas. S. Wright removed those two (2) trees and filled in the area where the tree roots were. R. Hale visited the site after the work was complete and was very pleased with the removal and restoration work that was done.

Upon motion duly made and seconded, it was unanimously

VOTED:

To ratify the Emergency Certificate for 401 Andover Street – Map R3

Parcel 8

#### EMERGENCY CERTIFICATE - 4 Tanner Road - Map 84 Parcel 72

R. Hale stated that the tree was damaged during a recent windstorm and was hanging over a child's play area.

Upon motion duly made and seconded, it was unanimously

VOTED:

To ratify the Emergency Certificate for 4 Tanner Road – Map 84 Parcel

72

#### **EMERGENCY CERTIFICATE – 214 Andover Street – Map R1 Parcel 72**

R. Hale stated that this was a transformer fluid release next to a stream that is an Immediate Response Action under the Massachusetts Contingency Plan. Cushing, Jammallo, & Wheeler, Inc. installed erosion controls, removed the impacted soils and restored the area correctly.

Upon motion duly made and seconded, it was unanimously

VOTED:

To ratify the Emergency Certificate for 214 Andover Street - Map R1

Parcel 72

#### **EMERGENCY CERTIFICATE - 21A Dadant Drive - Map 78 Parcel 15A**

R. Hale stated that this was the worst emergency tree issue he has seen. Half of the tree fell into a neighbor's back yard and destroyed their fence and into the road. The other half was still standing but severely damaged with large broken branches overhanging power lines, a driveway, the yard, and Dadant Drive. It was absolutely necessary to issue the Emergency Certificate.

Upon motion duly made and seconded, it was unanimously

VOTED:

To ratify the Emergency Certificate for 21A Dadant Drive - Map 78 Parcel

15A

### NOTICE OF VIOLATION - 40-50 Fordham Road - Map 99 Parcel 1

R. Hale stated that there were issues with erosion controls and trash as well as a clear cut path with pallets placed in the path that go into the wetlands to access some wells that DEP requires be monitored monthly. R. Hale is questioning why the owners do not access the wells through N. Reading and not cut through wetlands. If necessary, a foot path is adequate to access the wells, not the 15' wide path that now exists. R. Hale will continue to follow up with the property owners to resolve the situation.

Upon motion duly made and seconded, it was unanimously

VOTED: To ratify the Notice of Violation – 40-50 Fordham Road – Map 99 Parcel 1

#### DISCUSSION

## 4 Fernbanks Road – Map 15 Parcel 110 – 20' x 14' shed

Alan Newton, homeowner, distributed pictures and a write up to the Commissioners on a shed he would like to install in his backyard within the No Disturb and No Structure setbacks. He would like to remove an existing swing set and build a shed in the existing raised area. The swing set area already has a wood frame around it that is filled with crushed stone. The shed he wants is built offsite, then brought to the site in sections and completed on site. It will be installed on the existing crushed stone. There would be no direct impact to the existing wetlands.

R. Hale and S. Kelly-Parrella met with A. Newton to advise him of the regulations. R. Hale stated that the existing raised crushed stone area required approval since it is in the 100-foot buffer zone but a Violation Notice cannot be issued. If a structure is "illegally" placed on a property then the property is sold there is a three (3) year statute of limitations for issuance of a Violation Notice. The wetland comes up to about 5' of the

raised bed, but given the existing crushed stone area, (approximately 26'x 20') and that the shed would be placed within that crushed stone area, it would not impact the wetlands. If the existing crushed stone pad was not already there, it would make sense to enforce the setbacks but since it is there, the shed would not additional impact the buffer zone or wetlands. A. Newton mentioned a tree that has already split and fallen in the same area.

J. Flynn stated that A. Newton may want to add the tree removal to RDA for the shed to alleviate a future filing for the tree removal. The Commissioners agreed that A. Newton should submit an RDA for the proposed work.

#### 205 Salem Street - Map 81 Parcel 3

R. Hale summarized the issues regarding this property. The current homeowner wants to build a garage and mow behind the previously approved demarcation fence, but the 2014 wetlands delineation lines were incorrectly approved. Based on the new delineation, the entire property is Riverfront Area. If the homeowner wants to move forward with the project, would the Commission recommend using the current Riverfront Area boundaries for the decision or a hybrid of the previous and current boundaries when calculating impacts relative to the alteration thresholds (and for any similar applications)? Also, the current homeowner has been planting native trees and removing invasive species, and wants to mow the area to make it more aesthetically pleasing. The area appears to at least be partially previously maintained lawn, which is exempt to mow under the Wetlands Protection Act. Technically the homeowner can't mow this area because of the demarcation, but should there be any leeway for Applicants who are also restoring resource areas on their own accord?

The Commission unanimously agreed to use only the current conditions and Riverfront Area regulations if the homeowner does apply. The same decision making process will be used for any future applications that have similar circumstances.

**Tree Removal Policy** – The Commissioners reviewed the changes and unanimously approved the revised policy.

**Demarcation Lines and Shrub Species for Demarcation** – The Commissioners reviewed and approved the changes after a typographical error is corrected.

#### **AGENT UPDATE**

MACC Fundamentals of Wetlands Enforcement Training -R. Hale stated he attended the training and gained valuable information, specifically with respect to statute of limitations on violations as they apply to fill material and change of property ownership.

Additional Clean-Up Day, Trails at Town Hall – R. Hale supervised another weekend Town Clean-Up Day in the forest and wetlands next to Town Hall with several high school students who needed to complete their community service. The event was successful and several bags of trash were removed from the resources.

Eagle Scout Project in Town Forest, Daniel Maienza – R. Hale summarized D. Maienza's proposed to create new trails and improve the trailhead along Andover Street at Town Forest.

MINUTES - November 1, 2017

VOTED:

To approve the minutes for November 1, 2017 with one abstention

### **ADJOURN**

There being no additional business to come before the Conservation Commission, it was

VOTED:

To adjourn the meeting at 10:40 pm.

Respectfully submitted,

Catherine A. Pepe

Senior Clerk