

Present: Elliott presiding, Dinsmore, Masterson, Rand, Rice, Steeves

Absent: Boeing

## 5/1/2018 - Minutes

### 1. Public Hearings, Public Meetings & Appointments

- A. 7:00 PM - Continuation Public Hearing Re: Notice Of Intent Filed By Etchstone Properties For The Roadway, Supporting Infrastructure, Utilities And Stormwater For Work Within Jurisdictional Areas Under The MA WPA For A 40B Project Referred To As Birch Drive Extension, Which Has Been Identified As Assessor Map 14, Parcels 37, 214-215, 219, 227-230.

Joe Peznola with Hancock Associates presented updates to the project on behalf of Etchstone Properties. Peznola said they were providing a response to comments from MassDEP and a response to the questions/concerns raised by the Commission, which were raised at the initial meeting. Peznola also wanted to discuss the letter they had submitted to the Commission and DEP today, which included a decision they had just made. By eliminating the filling of the 500 square foot finger, they would eliminate the need for a wetland replication and they would no longer need to file a 401 WQC. In addition, Peznola was asked by the Commission to look at the supply of surface waters to wetland B. After a review of the calculations, they were able to add roof drainage from the rear of lot 12 to wetland B, in addition to the roof drain for lot 11. Adding roof drainage for lot 13 was not possible. Additional details of the erosion and sedimentation, temporary sedimentation basins, retaining wall construction, and an updated wetland replication plan (which was eliminated because there would be no filling of wetlands on the property) were added. Identifying the limit of work was added to the plan. The detail of the large block gravity walls are shown and the retaining walls require a structural engineer's design. The cut-fill analysis is 3,000 yards. In response to DEP's comments, construction vehicles will not be allowed to drive over the qualifying pervious areas. Each homeowner's deed will include a provision for preservation of qualifying pervious areas to be maintained as lawn so they do not interfere with roof drainage. According to Peznola, as a 40B project with small lots, restrictions are not unusual. Additional ground water testing was completed. Except for lot 14, all homes have been moved outside of the 50' buffer. If this portion of the project i.e. roadway, infrastructure, is approved, they will look at the 6 lots that have Orders of Conditions that need to be modified. Rice suggested that the deed restriction for keeping the lawn pervious include gardens or planted with shrubs. Peznola said noncompliance with the Comprehensive Permit would allow for Zoning Enforcement by the town. The deed restriction can be added to each plot plan, as well as on the deed. Several neighbors expressed concern with additional water being directed onto their properties. Peznola explained there are requirements to prevent this from happening. One neighbor asked how long the project would take. It was estimated the project would take approximately two years. A structural engineer will design the retaining wall because it is higher than 4'. On a motion from Elliott, seconded by Rand, with Dinsmore and Steeves voting against the motion, Elliott, Rand, Masterson, and Rice  
VOTED: to issue an Order of Conditions.

### 2. Review Of Draft Minutes

On a motion from Elliott, seconded by Rand, all

VOTED: to accept the April 3, 2018 Minutes as drafted.

### 3. Conservation Administrator's Report

- A. Natural History Walk, Sunday, May 6, 2018, 10:00 AM - MA Division Of Fisheries And Wildlife Property, Near The Prescott Street Bridge On Prescott Street  
The first natural history walk of the year, led by Pat Swain Rice, will take place on Sunday, May 6, 2018 on the DFW property on Prescott Street by the bridge over the Nissitissit River.
- B. Breakfast With The Birds - May 12, 2018, 6:30 AM, Heald Street Orchard  
The annual Breakfast with the Birds is scheduled for May 12 at 6:30 AM at the Heald Orchard.
- C. Annual Town Meeting May 7, 2018 - 7:30 PM Nissitissit Middle School

Annual Town Meeting is scheduled for Monday, May 7, 7:30 PM at the Nissitissit Middle School.

- D. Copies Of The Wild & Scenic Stewardship Plan Are Available At Lawrence Library And Town Clerk's Office

Hard copies of the Wild and Scenic Stewardship Plan are available for review at the Lawrence Library and at Town Hall. The Stewardship Plan is also available online at [WWW.WILDANDSCENICNASHUARIVERS.ORG](http://WWW.WILDANDSCENICNASHUARIVERS.ORG)

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

Bill Kennison asked for a few moments to explain the proposed warrant article to rezone 15 Canal Street from residential to commercial, which is located across the street from his house. Kennison explained that he is now in land court trying to get the commercial business to cease operation. Kennison made the point that rezoning the property, which is a single parcel, to commercial could open the lot up to various commercial operations that may have negative impacts on the river. The Nashua River is approximately 100' away. Kennison asked the Commission to consider the potential river impacts when voting at Town Meeting.

Respectfully submitted,  
Paula Terrasi