

Present: Bob Elliott, Chairman; Emily Boeing, Tim Dinsmore, Kris Masterson, Rob Rand, Pete Steeves, Pat Swain Rice (all present)

9/29/2020 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:00 PM - Public Hearing CONTINUED TO OCTOBER 20, 2020 The Commission Will Consider A Continuation Of A Public Hearing For A Notice Of Intent Filed By Al Soma Of Stump N' Stone Realty Trust To Fill Approximately 1,800 Square Feet Of Floodplain On Parcel B Lomar Park In Order To Provide The Required 30,000 Square Feet Of Land, Exclusive Of Wetlands And Flood Hazard Areas, To Meet The Zoning Bylaw For Creating A Lot And To Propose A Cut Area On Lot K Lomar Park, Off Nashua Road To Offset The Filling.  
The Stump N' Stone Realty Trust Public Hearing was continued to October 20, 2020.
- B. 7:10 PM - CONTINUATION Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Etchstone Properties To Construct A Single-Family House Within The 100' Buffer Zone To BVW At 16 Birch Drive Lot 24  
Joe Peznola with Hancock Associates represented Etchstone Properties. The filings for Lots 16 and 18 were originally submitted in March. Due to Covid-19, the public meetings for both lots were delayed to the June 2 meeting. At the June 2 meeting, during the discussion for Lots 14 and 15, issues with the proximity of the basements for Lots 14 and 15 to the infiltration basin were raised. Recognizing there could be a similar issue with Lots 16 and 18, Peznola requested the Commission table the discussions for Lots 16 and 18 to modify the plans to meet the MassDEP Stormwater Handbook standards for basements downgradient of infiltration basins. MassDEP approved a modification to the infiltration basin, which allowed a change to the elevation of the overflow weir from elevation 99 to 98 (MassDEP has a Superseding OOC on the roadway and related stormwater infrastructure). The basement elevations for Lots 16 and 18 were changed to elevation 98 and additional grading was proposed on these lots. The proposed houses and driveways for Lots 16 and 18 are outside the 100' buffer with some grading within the buffer. Peznola is requesting a negative #3 determination and stated both Lots 16 and 18 are now in compliance with the Stormwater Handbook standards. Elliott questioned whether the "clipped" plan shared during the meeting was the only plan provided or was there a plan showing the erosion control. Peznola said the Grading and Drainage Plan shows this. Elliott asked about the erosion control plan for the Superseding Order of Conditions (for the roadway). Elliott requested the erosion control be shown between the houses and the basin, if the house is constructed after the basin is installed. Rice asked if the basement elevations can be provided on the as-built/certified plot plans. Peznola said they committed to showing basement elevations for Lots 14 and 15 and they could show this detail for Lots 16 and 18 as well. On a motion from Elliott, seconded by Rand, with Steeves, Dinsmore, and Boeing voting against the motion, the remaining Commissioners VOTED: to issue a Negative Determination #3. The work is within the Buffer Zone but will not alter an Area subject to protection under the Act, and will not require the filing of a Notice of Intent. The basement elevation shall be provided on the as-built/certified plot plan and if the infiltration basin is constructed before the houses, there will be erosion control installed between the houses on lots 16 and 18 and the infiltration basin. The motion carries with a 4 to 3 vote.
- C. 7:10 PM - CONTINUATION Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Etchstone Properties To Construct A Single-Family House Within The 100' Buffer Zone To BVW At 20 Birch Drive Lot 18  
Joe Peznola with Hancock Associates represented Etchstone Properties. The previous discussion for Lot 16 addressed both Lots 16 and 18. On a motion from Elliott, seconded by Rand, with Steeves and Dinsmore voting against the motion, the remaining Commissioners VOTED: to issue a Negative Determination #3. The work is within the Buffer Zone but will not alter an Area subject to protection under the Act, and will not require the filing of a Notice of Intent. The basement elevation shall be provided on the as-built/certified plot plan and if the infiltration basin is constructed before the houses, there will be erosion control installed between the houses on lots 16 and 18 and the infiltration basin. The motion carries with a 5 to 2 vote.

Steeves commented that he is against this development, which is why he voted against Lots 16 and 18. Dinsmore stated he is also against it. Boeing stated that when she walked the site, she recognized the close proximity of work to the wetlands and expressed her concerns, which is why she voted against Lot 16.

2. Review Of Draft Minutes

3. Review Of Draft Minutes Of September 15, 2020

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of September 15, 2020, as amended.

4. Conservation Administrator's Report

128 Brookline Street

Matt Marro will have the Planting Plan for 128 Brookline Street modified to reflect the Commission's previous comments for the next meeting.

5. Other Business

None

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

An abutter of the Keyes Farm property requested permission to tap maple trees on the town/NCT conservation land for maple syrup, as a hobby. A portion of the conservation property is owned by Nashoba Conservation Trust and the remainder is owned by the town. Ken Hartlage with the Nashoba Conservation Trust researched the effects of tree tapping on maple trees. Hartlage said the U.S. Forest Service reported negative impacts to tapping trees, especially during drought conditions. Tapping can also introduce fungal infection. Rice stated Conservation Land Rules and Regulations for town conservation land (which are identical to NCT's Rules and Regulations) do not list tapping trees for maple syrup but the Rules and Regulations allow picking fruits and berries. Activities that are not listed, are not permitted. Activities that are allowed cannot be exclusive use. The land must remain open to all users. For those knowledgeable about tree tapping, the question was raised whether the gathering of the syrup would involve full-sized vehicles or small tractors or ATVs. Rand raised a concern about the impacts of climate change on trees.

The next Conservation Commission meeting is October 20, 2020.

Respectfully submitted

Paula Terrasi/Conservation Administrator