Members Present: Chair Larry L. Cohen, Vice Chair William Boivin, Indra Deb, Ed LoTurco, John Ramsdell, and Gail Lima

Members Absent: Jennifer O’Riorden

Also Present: Conservation Administrator John Keeley and Assistant Conservation Administrator Eileen Coleman

1. **Call to Order**

Mr. Cohen called the meeting to order at 7:00 PM.

2. **Citizens’ Time**

No one came forward to speak.

3. **Approval of Minutes – September 26, 2019**

MOTION - Mr. Ramsdell made a motion to approve the Conservation Commission minutes of September 26, 2019 as submitted. The motion was seconded by Mr. LoTurco and voted 6-0-0.

4. **Request for Determination of Applicability**

4a. **16 St. Mary Road – Krikor & Denise Krumlian – Install Patio**

Scott Peacock from SJ Peacock Builders, Krikor and Denise Krumlian appeared for the Request for Determination of Applicability for 16 St. Mary Road. Mr. Peacock stated that they appeared before the Conservation Commission in June for installing pipes to direct water away from the house. They were getting water in their basement. They also started construction of a patio near the house to help to direct the water to the drainage trench.

Mr. Keeley discussed the following points:

- This is in response to an enforcement action. The patio was not part of the original project and work was already started.
- It is a fairly large area.
- This is in the buffer zone but shouldn’t impact the wetlands but this will increase runoff.
- There is concern about impacting the neighbors with additional water.
- The finding should be revised that states minor grading directed to the trench instead of no grading.

The Conservation Commission discussed/questioned:

- How is the patio constructed?
- Is there a wall and will it be higher than the patio?
- Is the trench connected to the infiltration system?
• Are erosion controls in place and are they sufficient?

The applicant offered the following responses:

• The patio area would be disturbed with the installation of the pipe due and grading to pitch the water to the pipe.
• They will actually take the water coming from the neighbors and direct it to the trench.
• The patio is constructed with pavers and stone dust.
• There is a 2’ wall at the edge of the patio but there will be holes in the wall to allow the water to flow into the trench drain.
• The infiltration system was existing, but they added new pipes that will be connected.
• Wattles are already installed for erosion control and are in good shape.

There were no questions from the audience.

**MOTION** - Ms. Lima made a motion to issue a Negative Determination for 16 St. Mary Road as amended. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

5. **Continued Public Hearing – Notice of Intent – 175 Bedford Street – 175 Bedford Street, I.L.G/Kenneth Jong – Site Improvements Including Installing Stormwater BMPs – DEP #122-632**

Kenneth Jong, Chris Jong and Bree Sullivan, Bayside Engineering appeared for the continued Notice of Intent at 175 Bedford Street, DEP #122-632.

The applicant offered the following comments and questions:

• They have opened the Special Permit with the Planning Board and there were no major issues. They would like additional landscaping in the front but they hope to close at the next meeting. Ms. Lima asked that any plantings be natural species.
• Is the $7,500 bond a cash bond or performance bond through an insurance company?
• Are wattles sufficient for erosion controls or should something stronger be used?
• Is an inspection needed after the parking lot is striped but before regrading?

Ms. Coleman stated that they have addressed this site as best they can. It is in the flood zone and flood way. There is no way to adhere to storm water standards.

Mr. Keeley offered the following:

• The Order of Condition should be amended to include the letter from the Natural Heritage and Endangered Species Program.
• The $7,500 bond can be cash or performance bond. The bond must be good for 3 years.
• The inspections are once a week, not every two weeks.
• Wattles are fine for erosion controls except in the area of the loading dock construction, hay bales should be used.
• If material is stock piled in the back, the area should be circled with hay bales.
• If the grading is done per the approved plan, no additional inspections are required.

There were no questions from the audience.

**MOTION** - Mr. Deb made a motion to close the public hearing for DEP #122-632. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the findings as discussed for 175 Bedford Street DEP #122-632. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

**MOTION** - Ms. Lima made a motion to adopt the Order of Conditions for 175 Bedford Street DEP #122-632 as amended. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.

**MOTION** - Mr. Deb made a motion to require a $7,500 cash surety or performance bond good for 3 years for DEP#122-632. The motion was seconded by Mr. Boivin and unanimously voted 6-0-0.

6. **Continued Public Hearing – Notice of Intent – 3 Murphy Court (Lot #2) – Lexington Trust, Robert W. Murray (Trustee) – Construct a New Single Family Dwelling – DEP #122-633**

Phyllis Estell appeared for a continued Notice of Intent for DEP #122-633. Ms. Estell stated that there were two conditions that they would like to amend. The first was condition #47; instead of a post and rail fence they would like to plant a variety of shrubs that are 2 ½’ to 3’ tall. These would be a mixture of holly or evergreen shrubs. The second condition was #49; they would like to plant 5 trees instead of the requested 10.

The Conservation Commission discussed/questioned:

• The shrubs should be planted close together to prevent access between them. They should not be boxwoods because they are susceptible to winter damage. A mix of Inkberry or American Holly should be looked at.

Mr. Keeley stated that the request of 10 trees may have been a lot for this one lot. There are 6 street trees in the subdivision. He is agreeable to both changes.

There were no questions from the audience.

**MOTION** - Mr. LoTurco made a motion to close the public hearing for DEP #122-633. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.

**MOTION** - Mr. Boivin made a motion to adopt the findings as discussed for 3 Murphy Court DEP #122-633. The motion was seconded by Mr. Ramsdell and unanimously voted 6-0-0.
MOTION - Mr. Deb made a motion to adopt the Order of Conditions for 3 Murphy Court DEP #122-633 as amended. The motion was seconded by Mr. Boivin and unanimously voted 6-0-0.

MOTION - Mr. Ramsdell made a motion to require a $3,500 cash surety for DEP#122-633. The motion was seconded by Mr. Deb and unanimously voted 6-0-0.

7. Administration

7a. Planning Board Comments
There were no Planning Board comments.

7b. Subcommittee & Staff Reports and Updates
Mr. Cohen stated that the citizen’s committee that is promoting the passage of the Community Preservation Act (CPA) will be presenting an article at the May Town Meeting to ask that a ballot question be put on the November ballot to create the CPA fund.

8c. Upcoming Meetings –October 24, 2019 and November 14, 2019

8d. Other Business
There was no other business.

8. Adjournment

MOTION - Mr. Deb made a motion to adjourn the October 10, 2019 Conservation Commission meeting at 7:43 PM. The motion was seconded by Ms. Lima and unanimously voted 6-0-0.

Respectfully Submitted by Dawn Cathcart,
Recording Clerk