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

Members Absent: None

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

1. Call to Order

Mr. Cohen called the meeting to order at 7:02 PM.

2. Citizens’ Time

No one came forward to speak.

3. Approval of Minutes – May 23, 2019 and June 13, 2019

MOTION - Mr. LoTurco made a motion to approve the Conservation Commission minutes of May 23, 2019 as submitted. The motion was seconded by Mr. Boivin and voted 6-0-1 with Ms. Lima abstaining.

MOTION - Mr. Boivin made a motion to approve the Conservation Commission minutes of June 13, 2019 as submitted. The motion was seconded by Mr. Ramsdell and voted 4-0-3 with Ms. O’Riorden, Ms. Lima and Mr. Deb abstaining.

4. Request for Determination of Applicability

4a. 16 St. Mary Road – Krikor & Denise Krumlian – Install Drainage Pipe Under Lawn

Mr. Cohen read the public hearing notice.

Denise Krumlian, homeowner and Scott Peacock for SJ Peacock Builders appeared for the Request for Determination of Applicability for 16 St. Mary Road.

Mr. Peacock stated that about a year ago the Krumlians started getting water in their basement and they are trying to resolve the problem. The foundation had cracks and this was fixed and they would like to add drainage in the back to keep the surface water away from the foundation.

Mr. Keeley stated that the trench was partially excavated and there is a perforated pipe to the catch basin in the street. The work is being done within 40’-50’ from the wetlands.

Ms. O’Riorden asked if there would be a negative impact to the wetlands or neighbors. Mr. Keeley replied no, the water is basically going in the direction of the catch basin and there is minimal additional water.

Mr. Boivin stated that the proposed drainage is 2’ deep and 3’ wide and asked if that is deep enough.

Mr. Peacock replied yes, it is attached to an infiltration device below.

Ms. Lima stated that the area behind the fence should not be mowed.

Mr. Deb asked if the crack was at the rear of the foundation. Mr. Peacock replied there were cracks at the back and side of the foundation but most of the water comes from the back.


No one in the audience spoke on this agenda item.

Mr. Cohen stated that the area behind the fence has been mowed and asked who did it. Ms. Krumlian replied that their landscapers did, but she will instruct them not to mow near the fence.

Mr. Keeley reviewed the findings and conditions.

**MOTION** - Ms. O’Riorden made a motion to issue a conditional negative determination of applicability for the proposed work at 16 St. Mary Road. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**4b. 72 Locust Street – Thomas & Marcia Greeley – Install Sump Pump Discharge Pipe**

Mr. Cohen read the public hearing notice.

Mark Sleger from Alan Engineering appeared for the Request for Determination of Applicability at 72 Locust Street. Mr. Sleger stated that there is a town wide program to disconnect sump pumps into the public sewer. They are proposing to disconnect the sump pump and route it to the back yard to discharge it to the wetlands. The wetlands are about 50’ way and there will be a small rip rap plunge pool at the end of the pipe.

Mr. Keeley stated that the wetlands were not flagged but he estimates that the wetlands are about 20’ away. Mr. Keeley added that this is the preferred solution and this application is straightforward.

Ms. Lima asked if there was dumping in the wetlands. Mr. Keeley stated that there is yard waste in the wetlands that should not be there.

No one in the audience spoke on this agenda item.

Mr. Keeley reviewed the findings and conditions.

**MOTION** - Mr. Ramsdell made a motion to issue a conditional negative determination of applicability for the proposed work at 72 Locust Street. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.

**4c. 33 Westwood Street (Continued) – Nicholas Barrett – Install Drainage Pipes Under Lawn**

Nicholas Barrett, homeowner appeared for the continued RDA at 33 Westwood Street.

Mr. Cohen stated that members visited the site and work has been done. The wetlands are to the right, left and rear of the site. Soil and stone have been brought in, a pipe has been added, and a fence has been installed. If they had come prior to the work we would have required the wetlands line be marked, and conditions would have been imposed.

Ms. Lima stated that it is definitely very wet behind the fence and if the yard wasn’t extended then the wetlands plants would have extended past where the fence and shed was installed.

Mr. Boivin stated that the area where the fence is has always been mowed per the historical pictures. Mr. Boivin stated that additional work was done on the side of the house and the driveway was extended with gravel.
Mr. Ramsdell stated that the gravel near the driveway is in the wetlands. Mr. Barrett stated that he can pull the gravel back. Mr. Ramsdell asked how long the shed has been there. Mr. Barrett replied about 3 years.

Mr. LoTurco asked if the drainage pipe extended under the shed. Mr. Barrett replied no. Mr. LoTurco stated that crushed stone could be added around the shed because it looks like the water was causing erosion between the shed and the fence.

Ms. Lima asked if the pool required Conservation approval. Mr. Barrett replied that the pool is about 50 years old and the previous owner did it.

Mr. Cohen stated that for the wetlands on the sides of the property it is important that the water continue to go into the wetlands, but the stone should be removed because we can’t tell where the line was. Mr. Cohen asked if the Commission is looking to having the fence moved because it looks like the fence is on the edge of the wetlands. In the back, planting some trees may benefit wetlands inside of the fence. Mr. Boivin stated that adding trees is a good idea. Mr. LoTurco stated that the tree roots may damage the pipe. Mr. Keeley stated that the pipe is perforated so it shouldn’t be a problem and added that there are 2 sizeable stumps beyond that fence of trees that were cut. He would suggest adding 2 red maples.

Mr. Boivin stated that the Town put in catch basins at the end of the swales on the sides.

Mr. Cohen stated that we want to keep the water flowing in the direction of the wetlands and swales. No one has suggested moving the fence, there was a suggestion to add at least 2 red maples and to pull back the crushed stone from both sides of the driveway. Mr. Keeley asked how far back the stone should be pulled back from the driveway. Mr. Cohen stated that the stone should be pulled back at least 5’.

Mr. Keeley suggested that a positive determination be made and an enforcement order with conditions be given. Mr. Deb stated that there is a correction on item #7 of the project description, 6’ should be 6”.

Mr. Boivin asked what should be installed when the stone is removed. Mr. Cohen replied it should return to the natural habitat. Mr. Barrett asked what should be done with the 2’ of stone around the catch basin. Mr. Keeley replied that should be left alone.

No one in the audience spoke on this agenda item.

Mr. Keeley reviewed the findings and conditions.

**MOTION -** Ms. Lima made a motion to issue a positive determination of applicability at 33 Westwood Street. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.
MOTION - Mr. LoTurco made a motion to issue an Enforcement Order at 33 Westwood Street with the additional conditions:

1. The stone will be pulled back 5’ from both sides of the driveway and the lawn will be returned to natural wetlands vegetation.
2. There will be no dumping including lawn material in the wetlands.
3. 2 additional trees will be planted to replace the trees that were cut down. The trees should be Red Maple or similar native trees acceptable to the Conservation staff.

The motion was seconded by Mr. Boivin and unanimously voted 7-0-0.

5. Request for Minor Engineering Change to Erosion & Sedimentation Control Permit – 50 South Avenue – Eddie V’s Holdings, LLC – Changes to Drainage Design

James DeCoulis and Environmental Engineer for Eddie V’s Holdings, LLC, appeared to discuss minor changes at 50 South Avenue. Mr. DeCoulis stated that this project began last summer. Test borings were done, and it showed small bedrock pockets. This prompted minor changes that included moving some storm water management structures and eliminating 1 catch basin. They added an opening in the curbing on the circular driveway to allow the flow of the water to reach the catch basins. If the catch basins get inundated with water, it will flow into the swale which has adequate capacity. There is a small increase in discharge, but it is still less than the existing. The Board of Health asked for the change in storm water basin design so there will be no standing water. Mr. DeCoulis stated that he did not notify this Commission after the changes were made and that was his error.

Mr. Cohen asked what is the different from the approved design. Mr. DeCoulis stated that existing flow was 9.73 cf/sec and the approved design was 9.55 cf/sec. With the proposed changes the flow will be 9.60 cf/sec during the peak discharge, which is still less than the existing.

Mr. Boivin stated that there is an error in the report, where 12.50 should be changed to 12.05.

Mr. Deb asked what the grade change is. Mr. DeCoulis replied 18” in this area.

Mr. Cohen asked how the change affects the detention basin. Mr. DeCoulis stated that during a 100 year or greater storm event, the water will detain but it will not let water stand. The riser has slots that will detain water. Mr. Cohen asked if the solids will settle. Mr. DeCoulis replied yes, before it gets to the riser, but the water has already gone through the stormceptor, which is like a well screen. They will need to maintain the system and remove any vegetation and trash.

Mr. Keeley stated that another function of the basin is to discharge the water to the waterway. The original design does a better job removing bacteria because with this system there is no interaction with the plants.

Mr. Cohen stated that he finds it interesting that the Board of Health said they were not focusing on standing water in commercial projects. Mr. DeCoulis stated that it was at the February 2018 meeting with the Board of Health that they wanted the change. There will be full plantings in the basin. There
will be 40’-50’ of plantings and now there is significant impervious surface that will provide a good test of the system.

Mr. Keeley stated that this project should be coming back fairly soon to request a Certificate of Compliance. Mr. DeCoulis replied yes, they hope to open in August.

Ms. O’Riorden stated that these changes were made without notification and asked historically are there any repercussions. Mr. Keeley replied that is up to the Commission, but this is still an improvement over what was there originally, and it still meets DEP regulations. Mr. Keeley added that this was at the request of another Town board. Mr. Keeley stated that he would recommend approving the changes.

Ms. Lima asked what type of storm the overflow will handle. Mr. DeCoulis replied this will handle a 50 to 100-year storm with a storm water swale. Ms. Lima asked where the water will go. Ms. Coleman stated that it will go into the basin.

Mr. Deb asked if there was a drainage manhole added. Mr. DeCoulis replied no, they elevated a catch basin and moved a storm septor about 10’-15’ as shown on C1.

**MOTION -** Mr. Boivin made a motion to approve the minor engineering changes as described for 50 South Avenue. The motion was seconded by Mr. LoTurco and unanimously voted 7-0-0.

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Mr. Keeley stated that Mr. Blake called and is out of town. He was hoping to be back for the meeting but is not here tonight and requested a continuance to the next meeting. Mr. Cohen stated that he doesn’t believe there are any changes that require additional clarification. Mr. Keeley stated that this application to tear down the existing single-family dwelling and construct a new single-family dwelling. Mr. Keeley stated that they are asking for a waiver. The proposed building is further away from the no build zone but the proposed structure has a significantly larger footprint with over 1,000 sf in the no build area. The benefit will be that the existing lawn will be converted into natural wetlands to provide a buffer offset. Mr. Cohen stated that that is justification for the waiver.

No one in the audience spoke on this agenda item.

Ms. Coleman reviewed the findings and conditions.

Ms. Lima suggested adding 2 growing seasons as a condition.

Mr. Boivin asked why the waiver was being requested. Mr. Keeley stated that his interpretation is that if there is 1,000 SF more building in the no-build then a waiver would be required. Ms. Lima stated that is valid. Mr. Cohen agreed. Mr. Boivin stated that in the next revision of the regulations maybe the need for a waiver could be clarified.

**MOTION -** Mr. Boivin made a motion to grant the waiver for a substantially larger building. A substantial portion of the existing lawn will be returned back to its natural vegetated state and more
land will be restored in the inner riparian as were identified as justification for a waiver of the 40’ no-build zone for DEP#122-625. The motion was seconded by Ms. Lima and unanimously voted 7-0-0.

**MOTION** - Ms. Lima made a motion to close the public hearing for DEP#122-625. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION** - Mr. Boivin made a motion to issue the findings as discussed for DEP#122-625. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION** - Mr. Deb made a motion to issue the Order of Conditions for DEP#122-625. The motion was seconded by Mr. Ramsdell and unanimously voted 7-0-0.

**MOTION** - Mr. Deb made a motion to require a $5,000 cash surety for DEP#122-625. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.


Mel Higgins, Engineer from Weston & Sampson and Nagendra Mishr, home owner, appeared for the continued public hearing for 8 Birch Street.

Mr. Higgins stated that they have submitted the detail of the stairs requested at the last meeting. The stairs allowed are only 2’ wide. Also, at the last meeting there was discussion of potentially moving the shed and adding trees. Ms. Coleman stated that reflects most of the issues from the last meeting.

Ms. Lima stated that she is not in favor of the stairs into the wetlands and there should be no gates on the fence. She is opposed to both options.

Mr. Boivin stated that he thought the shed was going to be moved further away from the wetlands, now the shed looks like it is almost the same location and a tree is being removed. Mr. Higgins stated that the shed was 13’ from the wetlands. It was only 3’ originally from the wetlands. Mr. Cohen stated that they are taking advantage of the slope for additional distance. Mr. Boivin stated that in the old plan shows 15’ and the new plans show 15’. Mr. Higgins stated that the shed was bigger than he thought and what was depicted in the original plan. The new plan shows the actual dimensions.

Mr. Cohen stated that he thought the shed was moving closer to the house. Ms. Lima stated that there was nothing about removing a tree at the last meeting. Mr. Keeley stated that they may have had the discussion about removing the tree after the meeting, but they were supposed to add extra trees as mitigation. Ms. Lima stated that she reviewed the minutes and there was discussion about sacrificing the ash tree to move the shed closer to the house. Mr. Deb also thought that the shed was being moved closer to the house. Mr. Cohen stated that the shed should be moved to the back-right corner. Mr. Higgins stated that the setback for the shed from the property line is 15’. Mr. Mishr stated that if we move the shed closer it will ruin his yard. Mr. Cohen polled the board. 3 members would like to see it pulled back from the wetlands, 3 members indicated that they could leave the shed where it is and 1 member would like to save the existing tree and add 2 additional trees.
Mr. Higgins stated that a year ago, a proposal to add a porch on the wall had been run by commissioners at a site visit and since then they have reduced the amount of structures and fill in the wetlands.

Ms. O’Riorden asked how detrimental it would be if the shed stays. Mr. Keeley stated that the only way to significantly improve the area and place the shed there is if the tree remains. Ms. O’Riorden asked if the shed is needed. Mr. Mishr replied yes, it contains a lot of material. Mr. Mishr added that he loves the tree and wants to try to save it. It was decided that if the tree can be saved, then the shed can stay. Mr. Deb stated that if they cannot save the tree, then 2 additional trees would have to be planted.

Mr. Cohen stated that the next issue is with the steps. Mr. LoTurco asked about the 7” riser then that would be 7’ high, the wall is not 7’ high.

**MOTION -** Mr. Boivin made a motion to allow the 2’ wide step to access the wetlands. The motion was seconded by Mr. Deb and voted 4-3-0. Mr. Deb, Mr. Ramsdell, Mr. Cohen and Mr. Boivin voting in favor. Ms. O’Riorden, Ms. Lima and Mr. LoTurco voting opposed. The motion passes.

No one in the audience spoke on this agenda item.

Ms. Coleman reviewed the findings and conditions. This application is based on an Enforcement Order. A waiver is required, and a $3,500 cash surety is requested. The following conditions are to be added:

1. Schedule a site inspection for the erosion controls 2-5 days prior to construction;
2. Remove all trash in the wetlands;
3. If Ash tree cannot be saved, 2 additional native trees shall be planted.

**MOTION -** Mr. Deb made a motion to grant the waiver for constructing a shed in the no-build zone for DEP#122-627. The motion was seconded by Ms. Lima and unanimously voted 6-1-0. Mr. Boivin voting opposed.

**MOTION -** Mr. Boivin made a motion to close the public hearing for DEP#122-627. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.

**MOTION -** Mr. Ramsdell made a motion to issue the findings as discussed for DEP#122-627. The motion was seconded by Mr. Deb and unanimously voted 7-0-0.

**MOTION -** Mr. Boivin made a motion to issue the Order of Conditions for DEP#122-627. The motion was seconded by Ms. O’Riorden and unanimously voted 7-0-0.

**MOTION -** Mr. Deb made a motion to require a $3,500 cash surety for DEP#122-627. The motion was seconded by Mr. Boivin and unanimously voted 7-0-0.

Mr. Mishr asked what the $3,500 bond is for. Mr. Keeley stated that it is a cash bond to make sure the project is constructed as approved. Once a Certificate of Completion is issued, the money will be returned.
8. **Administration**

8a. **Planning Board Comments**

There were no Planning Board comments.

8b. **Subcommittee & Staff Reports and Updates**

Mr. Keeley stated that the Board of Selectmen supported the Open Space Recreation Plan.

8c. **Upcoming Meetings: July 11, 2019 and August 8, 2019**

Mr. Keeley stated that the DPW is coming before the Commission to discuss sidewalks and other building projects.

8d. **Other Business**

There was no other business.

9. **Adjournment**

**MOTION** - Mr. Deb made a motion to adjourn the June 27, 2019 Conservation Commission meeting at 9:02 PM. The motion was seconded by Mr. Ramsdell and unanimously voted 7-0-0.

*Respectfully Submitted by Dawn Cathcart,*

*Recording Clerk*