

Meeting Minutes

Town Hall- Meeting Room #014

March 6, 2018

7:30 PM

Present: Chris Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttaro, Blake M. Mensing, Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner

Ryan Clapp, Conservation Agent
Kristin Stearley, Conservation Assistant
Charles Katuska, Consultant

Absent: Ann Marie Pilch and Shaw Lively, Commissioners

Chris Bajdek, Chair, opened the meeting at 7:30 PM.

General Business

Vote on Draft Meeting Minutes of 2/6/18

Ms. Buttaro made a motion to accept the draft 2/20/18 meeting minutes with the discussed edits. Mr. Mensing seconded the motion. Ms. Weissman abstained. Vote passes (4-0-1)

Request for Certificate of Compliance, Lot75A Old Cart Path (DEP # 185-782), Constitution Village LLC

- Mr. Clapp informed the commission that in September 2017 a Partial Certificate of Compliance was issued and that they should re-file after a year. The lawn and trees need to be established. Gurriere and Halnon filed this application prematurely.

Notice of Intent to Convert to Commercial Use Land from Agricultural and Horticultural Land at #397 Hollis Street

- Mr. Clapp informed the commission that it is unclear what the proper protocol to follow will be as there are several included departments and an unclear goal for property conversion. Jeff Ritter, Town Administrator will be meeting with the school committee on Monday, March 12, 2018 and Mr. Clapp will receive an update from him. The town is trying to determine if they have first right of refusal since the land is not being sold. The school committee may be interested in purchasing the property. The owner is requesting that the town allow him to convert the property to commercial from agricultural/horticultural while maintaining the agricultural/horticultural tax assessment.
- Mr. Clapp informed the commission that the 120 day clock Right of First Refusal had started.
- Mr. Bajdek asked when the clock had started and Mr. Clapp responded February 21, 2018.
- Dr. Rutberg asked if there was any action required by the commission at this time and Mr. Clapp answered not yet.

#165 Lowland Street Update: Draft permit RCC Operation

- Mr. Clapp informed the commission that he was in receipt of a copy of a Draft Permit Approval from the DEP for Mr. Brumber's recycling facility.
- Mr. Katuska informed the commission that Mr. Brumber needs to convert from a determination of need to a solid waste composting permit because the DEP permit status has changed. A legal ad has been placed which has started a 30 day public comment period.
- Mr. Clapp stated that the Order of Conditions for this property has long since expired. A Certificate of Compliance was never received nor was an ~~as~~ built plan.
- Mr. Clapp mentioned that there has been a long history of non-compliance on the site and Mr. Brumber has failed to comply with the Order of Conditions he received. A 35' tall berm, constructed as a noise barrier, was built in the flood plain and riverfront area without notifying the Conservation Commission. The berm is described as ~~only~~ 27' on his DEP application which is incorrect. He has mischaracterized the soil which is filled wetlands and he agreed to reconstruct a storm water control gate which has not been completed. There are other violations with other departments such as processing more tonnage than allowed and storing snow.
- Mr. Clapp will request that the Board of Selectmen ask the DEP for a local public hearing during the 30 day public comment period in which inconsistencies within the application and the history of non-compliance can be brought forward with the hopes that a more suitable site can be found.

#200 Summer Street – The Happy Retriever

- Mr. Clapp reported that the company wishes to expand from its location on Washington Street to 200 Summer Street. It has an application with the Planning Board. The Planning Board wanted Conservation Commission's comments. If they require a fence it would fall within this commission's purview. Wildlife is protected under the by-law and the dogs may harass the wildlife.
- Ms. Weissman recommended Mr. Clapp review the Order of Conditions for a previous application at ~~The~~ Amusement Bark which has a dog waste plan.
- Mr. Clapp mentioned that there are no plans to come before this commission as of yet.

#1014 Highland Street Update

- Mr. Clapp reported that at the last meeting the commission allowed Mr. Stone to install 4 helical piles in the 50' buffer zone. Mr. Stone has since determined he requires 9 helical piles with no further footprint increase other than as approved. An administrative change has been issued.

Drafted Enforcement Letter – #58 Hopping Brook – Solect Energy

- Mr. Clapp reported that two (2) Order of Conditions have been issued for this property. Both have expired even with reminders from this department. There are outstanding issues with the property and Mr. Clapp has drafted an enforcement letter which will be mailed on 3/7/18. The letter requests the presence of the owner at the March 20, 2018 meeting of the commission.

FY19 Budget Update

- Mr. Clapp reported that he and Ms. Stearley attended the Board of Selectmen's meeting held on Monday, February 26, 2018. The Conservation Commission budget for FY19 was approved by the board. Mr. Clapp will attend the Financial Committee meeting on Tuesday, March 13, 2018 to present the budget.

Review Correspondence

- Correspondence was reviewed and invoice from Charles Katuska, in the amount of \$1669.05 was authorized for payment.
- Mr. Bajdek asked if any site inspections had been done at the 8 Arch Bridge.
- Mr. Katuska responded that there had been complaints to the DEP about tree cutting and the DEP now has a sign which indicates that tree roots threatened the structure.
- Ms. Weissman reported that she attended the MACC conference over the weekend. She attended seminars on court cases in regards to Article 97 and a general permit from the Army Corps of Engineers that is coming out.
- Mr. Katuska was thanked for the help he provided during the staffing transition.

Dr. Rutberg made a motion to adjourn the meeting at 8:10 PM. Ms. Buttaro seconded the motion. Vote passes unanimously. (5-0-0).