



OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
mailto:conscom@dunstable-ma.gov

Conservation Commission Minutes
Monday, October 24, 2022

Approved: November 15, 2022

Chair Alan Chaney called the meeting to order at 6:35pm.
Members present: Marijan Andacic, Kate DeLoureiro, Tiffany Naughton and Al Starbird
Members absent: Leah Basbanes and Juan Amodei

Meeting Minutes of October 11, 2022

Marijan made a motion to approve the October 11th meeting minutes. Kate 2nd the motion.
Motion passed unanimously.

Bills and Payroll

Al made a motion to sign off on bills, of which there was one Hoyle Tanner invoice, related to the NOI work on the Emery Woods/Drew Landing Boardwalk, for \$9,029.04. (To be funded from: \$1,347.17 from the wetland funds and \$7,681.87 from the Drew Project CPC funds previously approved under article #15 at the 2022 Town Meeting.) Kate 2nd the motion. - Motion passed unanimously.

Al made a motion to sign payroll. Kate 2nd the motion. - Motion passed unanimously.

ANRAD Public Hearing – 47 Thorndike – Benjamin Moore

The Public Hearing was called to order by Alan at 6:40pm. For the citizenry in attendance, Alan described the ANRAD public hearing process and purpose as a confirmation of wetland boundaries for any potential project where there are wetlands which may be impacted. A mailed notification to abutters and applicant payment for the public hearing advertisement had occurred in the Groton Herald. A mapped plan of the property, created by a professional wetland scientist hired by the owner is part of the application process.

A site visit with the commission and the landowner's wetland scientist, Chris Guida/Fieldstone Land Consultants, occurred on October 7, 2022, to determine and set agreed upon wetland boundaries and setbacks.

ANRAD Presentation: Chris Guida, a certified wetland scientist and certified soil scientist with Fieldstone Land Consultants, worked with Benjamin Moore on the wetland delineation for 47



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Thorndike. Chris provided the certified mailing receipts of notification to abutters as well as a check for the revised fee. A \$2,000 fee, larger than the original \$200 fee for a single-family residence, was determined to be appropriate given the amount of wetlands and size of the property.

Chris provided and presented an updated property plan which included the modifications to flagged boundaries determined during the site walk with the Conservation Commission. These included the riverfront area with 200' setbacks, topography, and notation of the flood zone. Chris highlighted on the updated plans the perennial stream, which while dry after this past year's drought, was based on the available FEMA data and maps. An existing residence and driveway through the wetland area were also highlighted. Topography with 2' contours were included.

No base floodplain was determined yet, but rather a graphic representation from FEMA only. To provide such they'd have to submit further paperwork for FEMA to determine elevation. It's in the center of the riverfront area, and wouldn't be affected by any changes proposed or sought for the property.

Chris still needs to update the eDEP to upload the latest plans, as well as to revise the total fees for the state. This will occur this week.

Conservation Commission Questions/comments:

No potential building lots are included on this plan, and only a set of lots as a concept have been proposed.

Attendee Questions:

A question surrounding any timeline for building to commence was made and noted to not be known by the Commission. It's up to the land owner. The wetlands delineation/ Orders of Resource Area Delineation (ORAD) approval sought have a three-year timeframe which can be extended upon a formal request.

A question around the floodplain relative to expanding the culvert on the driveway was made. If any improvements to the driveway are needed, they would likely be minor and would need to be presented to the Commission as a Notice of Intent (NOI). Chris shared that the map shows a graphic representation of the floodplain only, without actual elevations from FEMA. If needed, they'd use USGS data and submit an application to FEMA to provide the flood plain



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elevations more accurately before proceeding. Typically, the flood plain would follow one of the contour elevations.

Replication, or a storage area, is typically dictated for a floodway (where the stream or river is) vs. the floodplain which is beyond it. This is a bit different of a situation where the flooded area here closes off, where normally that isn't seen. Chris noted with a large stream or river that backs up there is an actual floodplain. Here it is a borderline intermittent stream and perennial stream which has a low area included in the flood plain.

Chris shared that this is an existing driveway with existing culverts, so any work done here would be along that existing route. Any changes needed there, possibly required by the Planning Board for drive width (access for emergency vehicles, etc.) would require a NOI and likely involve a minimal amount of fill.

A question about the scenic road and rock walls was made and it was noted that the plan is only to utilize the existing driveway.

A question about building within the riverfront area and 200' buffer areas would require a NOI and additional permitting to ensure there is no detriment to the river area. Alan shared that the town wetland bylaw has a 60' from the edge of the wetland as a no-build setback with no permanent structures allowed.

An inquiry about existing structures and the garage and any potential demolition were noted to be under the purview of the town building inspector. The owner shared that they have not decided whether to restore the existing property in its place or not. They are aware of some water damage, especially around the enclosed pool area, but they are still reviewing for most economical options.

The administrative assistant noted no letters from departments or other boards notified were received.

Tiffany made a motion to close the public hearing. Kate 2nd the motion. - Motion passed unanimously.

Tiffany made a motion to approve the ANRAD application. Kate 2nd the motion.

Role call Vote:

Alan Chaney, in favor to approve

Tiffany Naughton, in favor to approve



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Kate DeLoureiro, in favor to approve
Al Starbird, in favor to approve
Marijan Andacic, in favor to approve

Motion to approve the ANRAD and issue the ORAD passed unanimously.

Members of the Commission proceeded to sign the ORAD.

Certificate of Compliance Request – 575 Forest Street – Robert G. Guernsey

Mr. Guernsey presented his application for a Certificate of Compliance (COC). He noted that the original Order of Conditions (OOC) of November 2003 was filed four days before his own deed registered the purchase of the property and was under the name of the prior owner, Chris Bertrand. Along with the completed COC application, Mr. Guernsey provided photographs of his work in progress and the subsequent final result.

Mr. Guernsey had performed the work himself utilizing his own excavation equipment. It had taken him about three weeks in total. He'd set aside the top soil, and dug about 1.5' into the subsoil where he knew it was oxidized. He'd replaced the top soil and seeded with 2 pounds of wetland flower seed, which took a few months to flourish.

Mr. Guernsey believes he has followed the OOC and is seeking the COC. Alan proposed a site visit by the Commission to verify the work and Saturday, November 5th at 10am was agreed upon.

Given the request to perform the site visit of confirmation, a continuance, waiving the 21-day response requirement was requested.

Marijan made a motion to issue the continuance. Kate 2nd the motion. - Motion passed unanimously.

The continuance was signed by Mr. Guernsey.

Morgan's Pond/Mill Street Discussion

Alan shared that we've received an estimated cost of ~\$10,000 from the town engineering firm for inspection of the dam. In a prior conversation with the property owner Mr. Alan Davis, he'd agreed to knock the dam inspection cost off of any final property price, if approved to purchase by the town in the future.



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The CC could utilize available wetland funds to cover this inspection cost at this time.

A first step in the purchase of this property would require an understanding of the potential cost to repair the dam, if any. An appraisal of the property would be the next step but understanding the cost to address any dam issues would affect that appraisal.

A vote to approve funding the inspection of the dam will occur at a future meeting.

Certificate of Compliance Signatures – 0 Pleasant Street -- Borrego Energy

At the CC meeting of October 11th, the Commission had voted to approve the COC and additional signatures of members in attendance were needed.

Members added their signatures to the required paperwork.

Al made a motion to adjourn at 7:54pm. Motion seconded by Marijan. – Motion passed unanimously.

Given a scheduled Town Meeting on November 14th, the Conservation Commission will meet next on Tuesday, November 15th at 6:30pm, downstairs at the Dunstable Town Hall.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Conservation Commission