



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, February 27, 2023**

Approved: March 13, 2023

Chair Alan Chaney called the meeting to order at 6:30pm.

Members present: Marijan Andacic, Leah Basbanes, Kate DeLoureiro, Tiffany Naughton and Al Starbird

Members absent: Juan Amodei

**Meeting Minutes of February 13, 2023**

Tiffany made a motion to approve the February 13th meeting minutes. Kate 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Bills**

Leah made a motion to pay the Hoyle Tanner \$127.44 partial invoice for Stevens Associates professional services associated with the inspection of the Mill Street dam. Marijan 2<sup>nd</sup> the motion. – Motion passed unanimously.

Kate made a motion to reimburse the administrator \$30 for an MACC individual membership needed to register for coursework. Tiffany 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Payroll**

Al made a motion to sign payroll. Marijan 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Notice of Intent Public Hearing Continuance, 125 Thorndike Street, McCarthy \***

Alan reopened the NOI hearing at 6:35pm, for the property located on map 16 parcel 51, Lot 0 and owned by James A. & Pamela G. McCarthy Rev. Trust. They seek approval of an alteration to a wetland resource area and buffer zone for construction of a driveway, single family home, well and septic. The DEP file number assigned is 147-0317.

Jack Visniewski, PE of J.A. Visniewski, LLC represented the applicants, James and Pamela McCarthy and presented the project with updated plans to the Commission. Plans were updated after the site visit which had occurred February 18<sup>th</sup> and attended by Alan, Leah, Carol, Jack and Maureen Herald, wetland scientist of Norse Design.



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Jack presented the updated plan which was revised to highlight changes with flagging made to six locations in the field which alter the wetland lines slightly. Additionally, Jack had added foundation and roof drains around the footing to show drainage expected to the presented plans.

#### Commission Questions:

Al asked about the cellar and foundation and the elevation difference and grading planned. Jack referred to the septic plan and noted the proposed foundation top is to be at 84.67' with cellar slab to 77.09'.

Leah asked about the depth to ground water, and Jack noted it was at 24-28". She further asked about roof infiltration chambers and Jack noted pipe and stone would be shallow, and allow for water to be spread out on the surface. Drip trenches instead of gutters are proposed.

Leah inquired about any Board of Health response and Jack noted he has not heard back, but this is typical when there are no concerns. BOH/Brigette had originally asked for the well to be moved further from the water line and for buoyancy calculations for the septic tank, which he had provided.

Alan inquired about the driveway surface type and Jack noted it would be gravel, which would be clearly specified as required on the plan. Alan confirmed a paved driveway would not be allowed given the buffer zone and would be included as a special condition of any Order of Conditions issued.

Alan inquired about the 25' no-touch zone setback for natural vegetation, and noted demarcation would be required in perpetuity. The areas would need to be marked with permanent markers. Jack pointed out these were included on the plans all along the driveway and beyond and inquired if the Commission had any set format for such. The town does not currently have such markers, and Jack recommended mimicking what neighboring towns offer and putting on permanent posts or boulders. Marker installation of some type would be included as a special condition of any Order of Conditions issued.

Tiffany inquired about whether the future property owners would need to return to the Commission with their proposal for the house location. Leah noted no, as it would have to be within these plans building envelope and there is little room for any house site alterations. Jack noted the septic location and plan was unlikely to be altered but if the footprint of the house were different, they'd have to come back to the Commission.



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Leah asked about the setback from the property line, and Jack noted it was 30'. Any house has to be 30' off the line and the 60' wetland setback requirements.

Tiffany asked about the wetland replication area. Jack noted the driveway disturbance is 535 square feet and replication is 540 square feet.

Al inquired about the likelihood of hitting water during the cellar dig. Leah commented that the soils were bright in color in the house location and she shared the methodology used for determining the wetland area. Changes made to the flagging in the field were based on vegetation, as well as soils, and according to the town's bylaw. Time of year for the cellar excavation would influence any water table hit.

No further questions from the Commission nor public were posed.

- A motion to close the hearing was made by Leah. Kate 2<sup>nd</sup> the motion. – Motion passed unanimously.

Additional special conditions of the order to include: wetland crossing construction done first, a required gravel only driveway, requirement of demarcation permanent markers highlighting the 25' "no-touch zone", any house location alteration from approved plans would require future DCC review, and spot-checking by engineer during foundation setting and an as-built plan.

- A motion to approve the Order of Conditions, with special conditions noted, was made by Leah. Marijan 2<sup>nd</sup> the motion. – Motion passed unanimously.

Jack provided a certified copy of the new final plan and will drop off two more to the office in the coming days.

### **McLoon Property Conservation Restriction**

As a member of the DRLT board, Chairman Alan Chaney recused himself from the discussion and voting. Al Starbird also abstained from voting as his spouse is a member of the DRLT board as well.

Dave Tully, Treasurer of the DRLT, provided an introduction and overview of the ~800 acres of DRLT property holdings. Not all of their properties have Conservation Restrictions (CR) currently, but they will be working to expand such in the future. The portion of the McLoon property and subject of this CR request is on both sides of Main St, and along Thorndike and



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Pine Streets, and consists of approximately 100 acres. The DRLT goal is to keep the open space as is and protected in perpetuity and their request is for the Conservation Commission to hold the CR.

The DRLT has worked with their legal firm Nutter, McClennan & Fish to draw up the CR as proposed for the Commission to consider and accept to hold.

Leah commented that it appears to be a standard CR with a few specifics related to agricultural use. She inquired about prohibited uses around excavation or removal of soils, noting an awareness of some plastic needing removal from a field. Dave noted there is also some tire mats behind the logging operation area, some old vehicles, and general junk on the property as well as a large volume of stumps in an area along Main Street. Leah noted there was a statement on a permitted use to make ecosystem improvements, or conducting measures to restore native biotic communities which would support cleanup of any junk, old vehicles, plastics, and stumps. Dave noted they'd previously had a portion of old stumps removed and they would likely continue to generally clean up the property to restore it.

Tiffany inquired about what it meant for the CC to hold a restriction. State statutes sets up a process surrounding CR's which allow municipalities, the state (a government) or a qualifying 501c3 non-profit, typically a land trust or watershed association or trustees of land reservation, to hold CR's. For CR's to be approved by the state, it must be held by qualified party. Dave commented that a separate board from the DRLT, as the CR holder, helps oversee activities which occur on the property to ensure its continued protection or improvement within the confines of the restriction definition.

Al asked about the exhibit A mentioned in the CR. Dave noted he did not bring a copy of the plan of the property involved but described the land area along Main, Thorndike and Pine Streets. He noted it does not include the ~10 acres around the barn which the DRLT would retain full control over decisions regarding. He would forward a copy of the plan that the DRLT has to the administrator for distribution to the Commission. It will be part of the record.

An inquiry from an audience member in attendance about whether there was any right of access to the public was to be allowed. Leah noted this was still privately owned property by the DRLT and for agricultural use primarily. The DCC holding of the CR does not mean the property is granted public accessibility.

- A motion for the DCC to accept the Conservation Restriction on the DRLT McLoon property was made by Marijan. Kate 2<sup>nd</sup> the motion. – Motion passed, with Alan and Al abstaining from the vote.



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Once the exhibit A/plans is received from Mr. Tully, the administrator will forward along with the CR to town counsel for review.

#### **Nashua Scenic River Stewardship Council Alternate Representative Appointment**

Marijan made a motion to recommend to the BOS the appointment of Kate DeLoureiro as the Commissions Alternate Representative to the NSRSC. Tiffany 2<sup>nd</sup> the motion. – Motion passed unanimously.

#### **Dunstable Stormwater Committee Representative Appointment**

Kate made a motion to recommend to the BOS the appointment of Leah Basbanes as the DCC representative on the Dunstable Stormwater Committee. Marijan 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **OLD BUSINESS**

#### **Enforcement Order Status, 285 Pleasant Street**

Leah shared a status on her providing the DEP and circuit rider a timeline and all the history on efforts to secure restoration plans from the property owner Robert Ramirez. She is awaiting their review for additional guidance from an enforcement officer on next steps needed by the Commission.

#### **Mill Street/Morgan's Pond Property**

The Commission discussed Steven's Associates final report on the Morgan's Pond and Mill Street dam which was distributed at the last meeting.

Al noted that repairs to the dam were a broad range, estimated to cost anywhere from \$150-300K, but the report indicated they were not required imminently. Marijan recommended getting greater clarity from Stevens Associates and Hoyle Tanner on the report contents and what the town could expect to eventually need to outlay for dam repairs.

Alan reiterated that the ~5acre property with pond will qualify well for a self-help land grant from the state given the open space retention and recreation potential.



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Alan shared that the Commission is still awaiting the appraisal from Jon Avery, which he will present to the owner Alan Davis for consideration in determining any potential purchase price for the town.

Leah made a motion to adjourn at 8:01pm. Motion seconded by Marijan. – Motion passed unanimously.

The Conservation Commission will meet next on Monday, March 13th at 6:30pm, at the town hall.

Respectfully submitted,

Carol A. Rock  
Administrative Assistant  
Dunstable Conservation Commission