



OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
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Conservation Commission Minutes
Monday, March 13, 2023

Approved: March 27, 2023

Vice Chair Leah Basbanes called the meeting to order at 6:30pm.
Members present: Juan Amodei, Marijan Andacic, Kate DeLoureiro, Tiffany Naughton and Al Starbird
Members absent: Alan Chaney

Meeting Minutes of February 27, 2023

Tiffany made a motion to approve the February 27th meeting minutes. Marijan 2nd the motion. – Motion passed unanimously.

Bills

Kate made a motion to reimburse the Administrator \$112 for purchasing 7 copies of the WPA guide for the Commission, and \$440 for eight MACC courses required for Conservation Commission certification. Tiffany 2nd the motion. – Motion passed unanimously.

Payroll

Marijan made a motion to sign payroll. Kate 2nd the motion. – Motion passed unanimously.

Enforcement Order Status Discussion, 285 Pleasant Street, Robert Ramirez

Leah opened the discussion with a brief history of the outstanding Enforcement Order (EO) issued in May of 2022 surrounding fill placed into the Buffer Zone (BZ) of the Bordering Vegetated Wetland (BVW). The Commission membership was familiar with the EO and had not received all of the requested items specified as needed from the owner in response to the order. A wetland delineation report performed last October was recently provided. The Commission had requested a restoration plan be provided by last July which included the delineation. Mr. Ramirez had been invited to attend Commission meetings after the EO was issued to ensure his understanding of what was being requested and why, but he had not attended.



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Mr. Ramirez was in attendance tonight and shared that he thought the vendor he had hired to respond to the EO had provided all that was needed. Leah noted he had not and only the wetland delineation report to define methodology used for flagging wetlands was provided. She clarified that the Commission was seeking a restoration plan which removes the fill to restore the buffer zone area.

A copy of the EO findings and conditions was given to Mr. Ramirez.

Mr. Ramirez noted that the fill was off his own property and had been moved around to redirect run-off.

Leah responded that the fill source and reason he offered did not change the fact that it was illegal fill within 100' of the buffer zone and he did not have a permit. Further, it would not have been permitted had he approached the Commission properly prior to making the alterations.

Mr. Ramirez offered he'd simply wished to even-off his slope to prevent runoff going down the hill and washing away his property. Leah shared that there would have been other and better mitigation methods such as a stone trench at the end of the driveway. Mr. Ramirez should have approached the Commission ahead of any changes and explained his runoff and erosion concerns. He should have sought permission and permitting through a formal application to the Conservation Commission. After a presentation of his concerns, the Commission would have been able to consult and offer guidance on the best options to address run-off which also protected the buffer zone of wetland area.

Noting the dirt fill was already there now, Mr. Ramirez offered to build up and plant the area.

In response Juan explained that the Commission's responsibility was to support and enforce the WPA regulations, which were not created by Dunstable. The fill was placed there illegally and the Commission's duty was to flag it and have it corrected. The Commission might have been able to offer better resolutions to solve the problem if he'd contacted us before any alterations. At this point the Commission cannot authorize him to retain the current fill because it is illegal and it is the Commission's duty to have addressed.

Mr. Ramirez will speak to the vendor(s) he had hired, who he thought had addressed the Commission's concerns. He'll inquire further on what they had come up with.



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Tiffany asked what he believed the vendor had come up with which addressed the Commission's concerns. Mr. Ramirez responded they had sent the Commission a letter, created the delineation plan and planned to add plantings.

Marijan noted there were four requirements of the EO. It was now March and only the delineation was done last October with no additional actions or reports back from his vendors to the Commission.

Leah noted she had reached out to Andrew C. at Systematic Consultants via email last week with no response or reply thus far. She would forward that email to Mr. Ramirez. Mr. Ramirez will reach out to his consultants and provide them with a copy of the Executive Order.

The Commission clarified to Mr. Ramirez the additional items needed are:

1. a site plan that shows the wetland boundary
2. the limit of the existing fill and
3. a proposal plan on how to remove the fill and restore the area back.

The Commission reiterated that they understand Mr. Ramirez has an erosion and drainage issue and that they ultimately seek a different remedy which does not include bringing in fill.

The Commission and Mr. Ramirez agreed together to set an April 10th date for delivery of the additional items outlined. Mr. Ramirez was invited back to attend the DCC meeting scheduled on that date. He was asked to contact the Administrator with any questions or if he is unable to meet the agreed upon deadline.

OTHER BUSINESS

Conservation Properties Listing

Al had inquired with the Administrator for a current listing of the town's open space properties. A ~2018 listing was located but appeared to be missing some newer properties like Drew's Landing. Leah offered to share the listing she had via email with the Commission.



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Conservation Restrictions

Tiffany inquired about CR's and the Commission discussed the meaning and responsibilities they entailed. Depending on the CR definition, such as for agricultural, they are deed restricted in their use. Not all properties have CR's, but the deed typically notates the restriction type.

Juan made a motion to adjourn at 7:26pm. Motion seconded by Tiffany. – Motion passed unanimously.

The Conservation Commission will meet next on Monday, March 27th at 6:30pm, at the town hall.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Conservation Commission