



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, August 28, 2023**

Approved: **September 11, 2023**

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

Members present: Juan Amodei, Leah Basbanes, Kate DeLoureiro, Tiffany Naughton and Al Starbird

Members absent: Marijan Andacic

**Request for Determination of Applicability – 73 Depot St, David LaRiverier Jr.**

Alan opened the public meeting at 6:30pm. Jeff Hannaford of NDS presented on behalf of the applicant, David LaRiverier, Jr. who was in attendance along with his father, David Sr. and members of the public.

Jeff explained that the ~9 acre lot was being subdivided from a larger lot at 83 Depot Street for building a new single-family home with septic system and well outside of the buffer zone. A wetland exists on the right side of the property. A former building structure had existed on the property along with a fair number of tires, old cars and other metal junk, which had been cleaned up and removed. In the future, there is a consideration to subdivide again and create another dwelling on the back of the lot. In preparation for such, and within the buffer zone, they wish to perform some grading and select cutting of mostly pine trees, leaving hardwoods. The planned house, septic and well for David Jr.'s new dwelling, under consideration for this RDA, is all outside of the 100' buffer zone.

Al asked about the percentage of select tree cutting planned. Jeff noted that 50% or more of pines removal was likely. Alan inquired about any plans to remove stumps and David Sr. noted yes. It would be approximately 40' from the wetland area edge. Alan inquired about the erosion controls and Jeff noted straw wattle fencing was already present at the bottom of the slope. Stones had been placed 30' off the wetlands, beyond the flagging to clearly delineate the area. Jeff suggested adding another layer of silt fencing, and Alan responded in the affirmative to note such it would further mitigate any stumping related concerns.

Tiffany inquired about the selective tree cut and intentions to save the hardwoods. David Sr. noted the pines were junk and unattractive, but they liked the hardwoods and it was their goal to retain all species they could. Alan noted the 100' buffer is regulatory and not prohibitive. Structures were prohibited 60' back from the wetlands and the natural vegetative buffer must be maintained.



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Al noted it sounded like there were two projects being discussed. The grading for a future consideration of a house on the backland lot being separate. Alan noted as long as there was no negative impact on the wetlands, which given the stones set to separate and the agreed upon two rows of erosion controls, there would be no negative impact to the 30' natural vegetative buffer.

Tiffany made a motion to issue a WPA Form 2 Negative 3 determination with a condition for the addition of an extra row of erosion controls being added on the western side of the wetlands. Kate 2nd the motion. – Motion passed unanimously.

**Building Permit Release Request – 73 Depot Street, David LaRiverier Jr.**

There is no Order of Conditions for the property and given the Negative 3 Determination of Applicability, no additional wetland concerns for the Commission.

Kate made a motion to sign-off on releasing the building permit. Juan 2<sup>nd</sup> the motion. – Motion passed unanimously.

**Woodward's Mill/Shaws Conservation Area Recreation Access – Pleasant & Pond Street, Dave Kimpton**

Mr. Kimpton shared some history on the property and a recent years' Eagle Scout project focused on reconstituting the pond's recreational area. He noted radically reduced usage in recent years because of the current conditions which limit easy access to the pond. Some efforts to improve were successfully made (a standing telephone pole with a light had finally been removed recently by National Grid) but they developed a list of maintenance related activities which remained outstanding. The view of the pond has degraded due to heavy bank-side vegetative growth on the shoreline. It's deteriorating and silting in. Children can no longer cast their fishing lines from the overgrown banking area and often resort to fishing on-off/over the stone wall and dam area which is dangerous – especially given some sink holes on that Pleasant Street side.

Mr. Kimpton's request to restore the area includes mowing closer to the bank, along with bank-side brush cutting and removal. He asked for the two poles with a cable attached to be removed. Bigger branches that have caught in the dam spillway area should be removed. He'd love to see some surplus large granite curbing (currently located behind the Post office in the MUD district) established as a barrier along the parking area and banking. An alder bush,



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previously trimmed naturally by beavers, has overgrown to block both pond access and view from Rte. 113.

Mr. Kimpton has already secured the local Scout Troops to help with brush clipping. If the curbing could be secured, no material purchase would be necessary. Hopefully the Dunstable Roads team could move and install the granite curbing.

Twenty-three year neighboring resident Jane Sullivan presented some personal historical photos of the Shaw's Conservation area from their early years living across the street.

Tiffany noted that Parks & Recreation had plans to remove the pole with cement on the bottom.

Alan recommended that the Commission perform a site visit to the property on Saturday, September 9<sup>th</sup> at 10am to further assess the needs.

#### **Conservation Area Properties on High Street, Robert Kennedy**

Mr. Kennedy expressed concerns about off-leash dogs running loose and an increase in trash on the properties. He's seen concerns on Stone Arch Bridge and the Amos Kendall areas which abuts his property. He expressed an interest in potentially installing game cameras and imposing fines to discourage dogs off leash and littering. He indicated more signage may help. He also noted some hunting tree stands behind the cranberry bog pond.

Joan Simmons inquired about any Conservation Commission fines which currently exist for either of these issues. Alan noted that the Commission does not have fines and that he believed a Town Bylaw would have to exist. The town does have littering bylaws.

Alan recommended the Commission visit the area on September 9<sup>th</sup>, around 11am directly following the Shaw's Conservation Area site visit.

Leah joined the meeting at 7:25pm.



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

Leah shared that she and Al had visited the site and property owner, Mr. Ramirez, to validate the erosion controls of silt fencing with hay bales were properly set at the base of the steep slope. Mr. Ramirez has hired S&F Construction out of Framingham, for the restoration work, which has not yet commenced. Leah asked the owner to notify the Commission when work began because she felt they would need guidance on the agreed to restoration plan. She asked the Commission to keep an eye on the property when passing by for any signs of activity.

### **Tennis Courts at Larter Field**

Tiffany noted the Parks & Recreation Committee are working with a contractor on specifications for creating a new set of tennis courts on Larter Field. The current plan would be to place them immediately on the right corner as you approach the parking and fields where the ice rink has been in the past.

Recreation has posed questions about possible stormwater and drainage concerns to the Town Engineer for comments. A response that the fields location is nearby the MS4 area monitored by the Town.

A question about nearby wetlands was posed and Leah took an action item to drive by and assess for any potential impact.

### **USDA Natural Resource Conservation Service (NRCS) Farmland of Local Importance Soil Typing Offer**

Alan shared a recent contact from Al Averill, a retired Certified Professional Soil Scientist, who has offered to perform a free soil mapping and land use in the Town via the soil survey maps and aerial imagery. Alan noted that the state funds new APR applications based on agricultural soils criteria as well as if it's important to the community. Soils must be located and identified. It won't cost the Town anything to have Al's expertise to identify soils of priority for use given complete funding by an American Farmland Trust grant. The goal being to maintain agricultural capacity and open space and further support farmland eligibility for federal preservation funding.

Kate made a motion for the Commission to accept the free agricultural soils survey offered by the American Farmland Trust grant, via Al Averill. Tiffany 2<sup>nd</sup> the motion. Motion passed unanimously.



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### **FEMA Updates to Flood Insurance Rate Maps**

The Administrator received a notice of FEMA flood map updates being in process for the Nashua watershed. FEMA issued revised preliminary Flood Insurance Rate Maps (FIRMS) and Flood Insurance Studies (FIS). They posted digital copies for review on-line [ <https://hazards.fema.gov/femaportal/prelimdownload/> ]. There is a 90-day appeals period opening on August 28<sup>th</sup>.

The Town Engineering firm Hoyle Tanner has contacted Stephens Associates to review the revised map to verify no errors will negatively impact the community.

### **Meeting Minutes of July 24, 2023**

Tiffany made a motion to approve, as submitted, the June 26<sup>th</sup> meeting minutes. Leah 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Bills and Payroll**

No Bills

Tiffany made a motion to sign three payrolls. Leah 2<sup>nd</sup> the motion. - Motion passed unanimously.

Tiffany made a motion to adjourn at 8:06pm. Motion seconded by Kate. Motion passed unanimously.

The next meeting of the Commission will be held on Monday, September 11, at 6:30pm at the Dunstable Town Hall.

Respectfully submitted,

Carol A. Rock  
Administrative Assistant  
Dunstable Conservation Commission