



**OFFICE OF THE
CONSERVATION COMMISSION**

TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
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Conservation Commission Minutes
Monday, January 8, 2024

Approved: **January 22, 2024**

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

Members present: Juan Amodei, Marijan Andacic, Leah Basbanes, Alan E. Chase, and Kate DeLoureiro and Al Starbird

Members absent: none

Meeting Minutes of December 11, 2023

Juan made a motion to approve the December 11th meeting minutes as presented. Leah 2nd the motion. – Motion passed unanimously.

Bills/Payroll

Leah made a motion to pay two invoices from Mirick O'Connell for a total of \$877.40 for additional legal services associated with review of the Conservation Restriction, to be held by the Commission, for the DRLT McLoon property. The invoices will be paid out of the Conservation Fund. Kate 2nd the motion. As a Director with the DRLT, Alan Chaney abstained. Motion passed, 6-0-1.

Al S. made a motion to sign two payrolls. Alan Chase 2nd the motion. – Motion passed unanimously.

Request for Determination of Applicability – 155 Off Pond Street, Roberta Servente – Jeff Hannaford of Norse Design Services

Alan opened the public meeting at 6:35pm. Jeff Hannaford from Norse Design Services attended to present the RDA on behalf of the applicant, Roberta Servente, who was not in attendance. Jeff explained that a Board of Health (BOH) Title 5 review ahead of a sale of the property determined that the existing well and septic system were within a 50' radius of each other. As a result, a new well location and water line to the dwelling within the buffer zone of Massapoag Pond, is being presented to the Commission as a repair to bring into compliance.

While still pending a formal BOH variance request, the new well will be a driven point type shallow well ~3-4' down with the point 20-25' deep. All excavating work will be done by



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hand since the location is inaccessible to motorized equipment. The new water line to the dwelling will also be excavated by hand.

Leah inquired about the size of the driven point, and Jeff indicated it to be ~2". She inquired about whether neighbors may have been contacted to see if access across their property might allow equipment for deeper drilling. Jeff noted the neighbor's topography was the same and would not allow.

Jeff shared that the septic system is currently functioning but did not meet the well offset requirements. Leah inquired about the leech field location, which Jeff noted was a pit under the existing shed.

Leah inquired about the typical water draw daily, and Jeff noted for this small dwelling it was likely 150gal per day. Leah noted there are limits on drawing from a pond on a daily basis and given the proximity of this new location it was almost a direct draw from the pond. Jeff noted it will have to pass a well test.

With no additional questions from the Commission, Leah made a motion to approve a negative three Determination of Applicability with two conditions:

1. Erosion controls must be installed and remain until the soil is stabilized at project completion.
2. Any soils disturbed must be replaced or removed from the site.

And Pending forthcoming Town of Dunstable Board of Health decision.

Al S. seconded the motion. – Motion passed unanimously. The Commission added their signatures to the WPA Form 1, RDA.

Conservation Commission 2023 Annual Report

Kate made a motion to approve the annual report, with a small change to add a mention of stewardship around the Shaw's Conservation Area/Woodward's Mill property maintenance performed by the Commission in the fall. Alan Chase 2nd the motion. – Motion passed unanimously.



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Master Plan Implementation Committee Nomination

Al S. made a motion to nominate Alan E. Chase to serve as the Commission's representative to the newly forming Town Master Plan Implementation Committee. Alan C. seconded the motion. – Motion passed unanimously.

Member for Brattle Development (41 Lowell St) Technical Review meeting

A meeting of all the interested Town boards to review the technical project details is scheduled for January 24th and a CC member is needed to represent the Commission. Leah noted that the developer would need to come before the Commission with a formal wetland filing/Notice of Intent for this project at some point.

Al. S. made a motion to nominate Marijan Andacic to serve as the Commission's representative at the January 24th meeting to review the technical details of the 41 Lowell Street/Brattle Development proposal. Kate seconded the motion. – Motion passed unanimously.

A topic will be added to the next CC agenda to solicit input and questions from the Commission for Marijan to present on their behalf.

Swallow Mill Pond Grant Award Related

The Project Agreement Contract had been signed by the Select Board Chair, notarized by the Town Clerk, and required the Commissions additional signatures.

Members of the Commission added their signature to two original copies of the Swallow Mill Pond/Morgan's Pond Project agreement. The original contracts will be mailed to the Division of Conservation Services (DCS) for their finalization.

Chair Alan provided updates on other required award reimbursement related items:

- Town Counsel is currently working on the Title Search for the property.
- An ANR to separate the pond lot on the property is being submitted by the owner to the Planning Board.
- A sign cost quote has been received and proof is in process.
- Alan is reviewing the updated draft of a Conservation Restriction which is due to DCS by February 1st. Submission by this date allows for review and return ahead of the June 30th reimbursement deadline.



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- Alan is also reviewing and updating the Land Management Plan, which contains descriptions of the property, management plan, resource maps, conditions, photographs, etc. He noted that a parking spot near a barway is suitable for a few cars. The Commission will need to perform some maintenance and clearing of a pathway. Additionally, there is a swale for drainage, which needs some culvert maintenance. A new 8-9" culvert and gravel will be needed, and Alan is speaking with the Roads team to secure their help.

An early-Spring workday on the property will be needed by the Commission.

Outstanding Enforcement Order for 285 Pleasant Street

The Administrator shared that the certified letter sent to the owner was returned, unopened, to the Commission. The letter, requesting a schedule, status or plans on the ordered restoration, had also been sent via USPS standard mail.

Leah recommended we hold off on further action at this time and she may contact our DEP resource surrounding the EO.

Proposed Tracking Ground Mounted Solar Array – 165 Pleasant Street

The Administrator received a phone call inquiry from Lou Yarid, of Solar Renewables, surrounding the ANRAD application he had submitted online to DEP on December 5th. He did not recall receiving the follow-up email with instructions on directing a submission to the DCC. He had also contacted DEP with an inquiry on status.

DEP/Mia had contacted the Administrator to discuss and would be calling Lou back. Her interpretation, based solely on his phone message left, was that it sounded like a "*buffer zone only activity, covered as a minor exempt activity by 10.02.2b-2e*". Based on the little information she had, she thought it might need a Request for Determination. However, if the Commission approved, he could start with a simple letter of description and plan of where the solar array would be. She would be returning his call to discuss.

Leah asked for a plan of where the wetland is, and the distance to the proposed location of the array. If it's within 50' of the wetland it may require an RDA, but if it is further away, it may not require formal filing.



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The Administrator will contact Lou back with the request for a detailed description of the project and updated plan with distances for the DCC to review at a future meeting.

General Wetland Area Potential Concerns

- Al S. noted that 99 High Street seems to be manicuring the lawn and removing the vegetated area right up to the wetland pool area as opposed to allowing it to naturalize. Alan noted the Commission had given the owners permission to clear brush for improved 'line of sight' to safely back onto High Street. The Commission should remind them of the 25' nature vegetative buffer, rather than mowing the lawn right to the pool edge. Leah added that there is a significant amount of sediment along the edge of the road. Once dry again, and with permission from the owners to access via their property, the Roads team might be able to remove it. She noted a burning bush along the roadside can be removed, as it's invasive.
- Alan noted a concern with the well-manicured, and likely fertilized, lawn directly abutting the Swallow Mill Pond on Main Street. A conversation with the owner to discuss runoff concerns into the pond and maintaining a 25' natural vegetation buffer would be better to help support the bank.

Leah made a motion to adjourn at 7:44pm. Motion seconded by Marijan. – Motion passed unanimously.

The Conservation Commission will meet next Monday, January 22nd at 6:30pm, at the town hall.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Conservation Commission