



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

## **Conservation Commission Minutes** **Monday, April 22, 2019**

Approved: May 6, 2019

Vice Chairman Alan Chaney called the meeting to order at 6:30pm  
Members present: Tara Alcorn, Juan Amodei, Marijan Andacic and Leah Basbanes  
Members absent: Jeff Haight and Kieran Meehan  
Meeting held: at the Dunstable Town Hall – 511 Main Street-lower level – Grange Room

### **Meeting Minutes – April 8, 2019**

Tara made a motion to approve the meeting minutes from the April 8 meeting. Juan 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Bills/Payroll**

No bills. Juan made a motion to sign the payroll. Tara 2<sup>nd</sup> the motion. – Motion passed unanimously.

### **Certificate of Compliance – 23 Massapoag Way – Ken Tully – 147-0281**

Ken Tully attended the meeting to request a Certificate of Compliance (COC) for 23 Massapoag Way. The homeowner also attended. Mr. Tully explained that he received a letter (dated December 12, 2017) from the Commission denying his original request for a COC because a portion of the deck was within the 60' buffer zone, and there was erosion on the bank of the stream. In order to bring the project into compliance, Mr. Tully was to provide a restoration plan of the eroding stream bank and complete the work by July 1, 2018. The Commission received no plan. Mr. Tully said that although he did not submit a plan, the work was completed. Members discussed the encroachment of a corner of the deck into the buffer zone. They agreed that removing the deck would cause more damage to the resource area than leaving it. Leah made a motion to sign the COC and release it once she insures the bank is stable. Tara 2<sup>nd</sup> the motion. – Motion passed unanimously. As-Built approved: Notice of Intent Plan – 23 Massapoag Way – by Norse Design Services, Inc. – dated 2/20/12 and revised as-built date of 10/31/17.

### **Request for Determination Public Meeting – 28 Hardy Street – Chenelle**

Alan opened the public meeting for 28 Hardy Street. Leah recused herself in order to present the project on behalf of her nephew. Leah explained that the Chenelle's plan on building a 3-bedroom home with a septic system, driveway, well and associated grading on a lot with a wetland on the western side of the property. The proposed house will be 93' from the wetland at the closest point with the limit of work to be 65' from the wetland. The application went to the Division of Fisheries and Wildlife for review. A letter was received (dated April 18, 2019 - NHESP File No. 19-38509) stating the project will occur within the actual habitat of the



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Blanding's Turtle and Blue-Spotted Salamander. Although it was determined that the project would not adversely affect the Resource Area Habitat, the State asked the Commission to condition the project. Leah told members that the Chenelle's hired Ron Butler from Oxbow Associates to put a turtle protection plan in place. Alan explained that the Commission's jurisdiction is with the impact of the project on the wetlands. After the discussion, Juan made a motion to close the public meeting and issue a negative 3 determination with conditions described by the Division of Fisheries and Wildlife. Plan approved: Sewage Disposal System – Lot 2A, 28 Hardy Street, Dunstable, MA – by Cornerstone Land Consultants, Inc. dated March 21, 2019 – Job No.: 2018-151, drawing no. 9674. Tara 2<sup>nd</sup> the motion. – Motion passed with Leah abstaining from the vote. Alan signed the building permit.

**Conditions from the Division of Fisheries and Wildlife**

1. Record Letter: **Prior to the start of Work**, the Applicant shall record this letter in the Middlesex County Registry of Deeds so as to become a record part of the chain of title for the property. **Prior to the start of Work**, the Applicant shall provide the Division with written proof of said recordation.
2. Monumentation: **Prior to the start of Work**, a detail or description for the form (e.g., granite post, iron stake, cement post, etc.) of permanent and visible monuments/bounds to be installed along the outer edge of the "Disturbed Area" as shown on the Plan shall be submitted to the Division for review and written approval.
  - a. **Prior to the start of Work**, the Division-approved bounds shall be installed
  - b. **Prior to the start of Work**, a Massachusetts Registered Land Surveyor shall certify to the Division, in writing, that permanent monuments/bounds are installed as described.
  - c. Said monuments shall be maintained and repaired or replaced by the landowner(s), as necessary.
3. Turtle Protection Plan: **Prior to the start of Work**, the Applicant shall submit a Blanding's Turtle Protection Plan to the Division for review and written approval. Said plan shall detail procedures for protecting state-listed turtles during construction, and be prepared and implemented by a qualified biologist pre-approved by the Division. Please note that any searches for state-listed turtles associated with the Turtle Protection Plan must occur during the turtle active season (April 15 – October 15), unless otherwise approved by the Division. The Division is available for consultation on the development of the protection plan and for information regarding qualified biologists.

**Leah rejoined the meeting.**

**May 13 and May 27 Meetings**

The May 13 meeting falls on the day of the Annual Town Meeting. The May 27 meeting falls on a holiday (Memorial Day). Members decided to meet at 6pm on Monday, May 6 and possibly Monday, May 20 and to cancel the regularly scheduled meetings.



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### **Additional Topics Discussed Not Noted on the Agenda**

#### **26 Massapoag Way – Peter Palakavong – Tree Removal**

Mr. Palakavong stopped by the office earlier in the day and explained that he had a tree split on his property that fell into the lake. He has a concern that the remaining portion of the tree will fall on his house. Leah went out to the site and asked Mr. Palakavong come to the meeting with pictures to show the Commission. After reviewing the pictures, Tara made a motion to allow Mr. Palakavong to remove the damaged tree as well as three others on the site that are dangerously close to his home, without filing with the Commission. Marijan 2<sup>nd</sup> the motion. – Motion passed unanimously. Mr. Palakavong told members that his plans include adding some type of vegetation to replace the trees.

#### **E-Mail Message to the Commission**

Members received an email from a concerned person regarding turtle and other wildlife killed on Groton Street near the crossing of Unkety creek. The Commission has posted a "wildlife crossing" sign in the area but discussed a temporary sign that can be put up early spring and removed at the beginning of the summer to remind drivers to slow down in that area. Tara will check with someone about a sign.

#### **Certificate of Compliance – 157 Forest Street – Mitchell**

The Commission received a request for a Certificate of Compliance for 157 Forest Street. Alan will swing by the property and this will be placed on the agenda for the next meeting.

#### **Frye Field Conservation Restriction**

The Administrative Assistant presented the state approved Conservation Restriction for the Frye Field for members to sign. The document will go to the Board of Selectmen for their signatures. Alan reported that he and Tara walked the Frye property and documented the border of the property with photographs.

Motion was made, 2<sup>nd</sup> and passed unanimously to close the meeting at 7:10pm.

Respectfully submitted,

Cheryl A. Mann  
Administrative Assistant  
Dunstable Conservation Commission