

Conservation Commission Minutes
Tuesday March 14, 2023
Held remotely according to the Governor's Covid Order

Members Present: Ernie Smith-Chair, Tom Potter-Vice Chair, Karen O'Donnell, Rebecca Lord, Pat Seckler, Ron Veillette

Members Absent: Adam Weinberg, Shep Evans (Agent)

Other Participants: Andre Anne Chenaille (Guntlow & Associates), Jeff Collingwood, Matthew & Jessica Bernow, Carol Silverman, Alex Haidar

Mr. Smith opened the meeting at 6:30 PM.

Mr. Smith made a motion to approve the February 14, 2023, minutes. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

1. **Notice of Intent DEP# 271-0233** from Guntlow & Associates on behalf of Jessica Bernow, property at 15 Beech RD., Maps 101 and 104 Lots 197 and 3 & 4. Proposed work includes demolition, concrete pad removal and temporary excavation to repair & stabilize the sunroom foundation.

Ms. Chenaille spoke on behalf of the applicants. The area that will be worked on is within the Riverfront and BVW that is why they are before the Commission. She displayed the plan for the members and discussed what they will be doing. They will be removing a retaining wall which is leaning and falling down along with the removal of two concrete pads and the removal of an unstable garage building. The Bernows will be returning these areas to lawn. They need to stabilize the foundation around their sunroom and in order to do that they will have to bring in some equipment, but they will be using construction mats and will install erosion control measures. They hope to begin the project early in April. There were a couple of issues with the shown plan. The members noted that on the plan it states the possibility of building a new garage on the area of the old one and there is a dilapidated boat ramp shown on the plan. Ms. Chenaille stated that the applicants have no intention of building a new garage and they will remove the ramp.

Mr. Veillette made a motion to approve the NOI with the standard conditions (which includes that the lawn be mowed no shorter than 4 inches) and with Ms. Chenaille submitting an updated plan showing the removal of the boat ramp and with the removal of the part stating the possibility of building a new garage on the space it is now located. The motion was seconded by Ms. Lord and passed unanimously by roll call vote.

Mr. Veillette thanked Mr. & Mrs. Bernow for making the resource area better. He noted most residents do just the opposite.

2. **Enforcement Order** issued to Robert Bohlman on January 9, 2023, property at 159 Willow Road, Map 101 Lot 190. At issue is the substantial expansion of a single-family house and deck in a Riverfront Resource Area without an Order of Conditions or a valid Negative Determination of Applicability. Licensed professional Wetland Scientist, Emily Stockman of Stockman Associates, will present preliminary restoration plans in anticipation of a near term site visit by the Commission and discussion to be continued to the next meeting on April 11, 2023.

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Ms. Stockman spoke on behalf of the applicant. She stated that the property is totally within the protected Riverfront Area. She presented the plan that she developed for improvement of the riverfront. The deck which was built without having been permitted by the Commission (or the building inspector) has approximately 530 sq. ft. of River Front impact. Her plan calls for a 3 to 1 ratio of mitigation, which will be approximately 1500 sq. ft of improved riverfront area. A no mow area will be created along with the planting of 30 native shrubs. She stated that they will be installing 4 monument markers so that the area of restoration delineation will always be known and respected.

Mr. Smith stated that no decision could be made at this time, a site visit is required prior to any decisions being made, he also has requested an updated map of the proposed restoration. He stated that Mr. Evans will schedule a site visit and inform the members when that will be occurring. The issue will be continued at the April 11, 2023 meeting.

3. **Request for Determination of Applicability** (resubmitted) from Carol Silverman, property at 40 Lake Road Extension, Map 102 Lot 41. Proposed work includes cutting down 8 dead, diseased, or dangerous trees and trimming 2 trees that overhang the house.

Ms. Silverman spoke to the Commission. She stated Kevin Holden is the arborist doing the work and he was the person who identified the dead and dying trees. He informed her that it will take about 3 years for all the trees to be removed but they need to quickly remove the ones that are the most dangerous. She displayed a diagram of the property and where the trees that will be taken down are located. The members had done a site visit to the property and saw the tagged trees that are to be taken down. She stated that the plan is to leave the stumps and to replant several trees later. Ms. O'Donnell stated that a good practice is to leave a 6ft. stump/leader of the tree (called a snag) that will support wildlife. Ms. O'Donnell made a motion for a Negative 3 Determination with the standard conditions and with the condition that the trees that are taken down in the woods have a 6ft stump/leader left after main part of dead tree is removed. The motion was seconded by Mr. Veillette and passed unanimously by roll call vote.

4. **Enforcement Order** amended and reissued on March 6, 2023, to John & Robin Abbott, Property at 706 Dublin Rod, Map 405 Lot 55. At issue is extensive alteration of Buffer Zone and Riverfront Resource Area without an Order of Conditions or a valid Negative Determination of Applicability.

Mr. Collingwood spoke on behalf of the applicants. He stated he was just hired and had not been able to see the exact nature of the problem. He has spoken to both the owners and the contractor who has done the work. He is very familiar with the area and its issues since he has worked with the town on other projects in the area. He stated that he will put together a plan for the Commission. He doesn't know if he will have it ready for the April meeting, but he will install straw waddles as soon as possible for prevention of erosion of soil into the river. The Order will be continued to the April meeting at the request of the applicant.

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5. **Amended Enforcement Order** of 8/29/2022 issued to Alex Haidar, property at 5 Walnut Road, Map 104 Lots 10&11 Map 101 Lots 3,4,5,9 &10. The required (amended and updated) Restoration Plan has not been submitted to the Conservation Commission for their review.

Mr. Haidar spoke for himself. He stated that he is still waiting for a final decision from the Commission, he wants to be able to order his trees and get the property ready for planting. Mr. Smith stated that the Commission has been waiting for a finalized plan from Mr. Haidar prior to making their final decisions. Mr. Haidar displayed a plan which he thought was a finalized plan because it was created by licensed engineers and displayed all the proposed work and plantings that they plan on doing. He stated the plan shows what has already been done along with what they still plan to do. He then displayed a letter from Taylor Bartlett (who cut the trees down) explaining what and where trees were removed. Mr. Smith stated that Mr. Bartlett is not a licensed arborist. The members repeated to Mr. Haidar that there is not an exact accounting of the number and location of the trees that were removed. Mr. Smith stated that Mr. Haidar should have received a letter from Mr. Evans stating the requirements of the Commission. Mr. Haidar stated he never received a letter. Mr. Veillette stated that it is important to know the number of trees that were taken down since the Commission will require a 1 for 1 + replanting of trees. Mr. Haidar thought that you could plant 2 shrubs and it would equal 1 tree. Mr. Veillette stated that shrubs are not trees. Mr. Potter stated he wanted to know if Mr. Evans sent the letter to Mr. Haidar. Mr. Smith stated he would speak with Mr. Evans and Ms. Goodman (town counsel) about the letter. Mr. Smith stated that this will need to be continued to the April 11, 2023, meeting and that he will have an answer about the letter and that the Commission will have a more definite answer for Mr. Haidar concerning the number of trees they will be requiring him to plant to replace the trees that were removed without a NOI and OoC. Mr. Veillette made a motion to continue the discussion of the Enforcement Order to the April 11, 2023, meeting and to have all the materials related to this Order sent to all the members. Motion was passed unanimously by roll call.

6. Mr. Smith stated that there was an Emergency Order issued for culvert work on East Road. The Fire Chief asked him if anything else would be required for the issuance of a Certificate of Compliance.

Ms. Lord made a motion to adjourn at 8:40PM. It was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

Mr. Ernie Smith -Chair

Date

Mr. Tom Potter-Vice Chair

Date

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