

**Dracut Conservation Commission**  
**Minutes of December 7, 2016**  
**Town Hall**

**Commissioners Present:** Victor Olson, James Jendro, John Hassan, Stephen Graham, Fred Spicer, Conservation Agent Lori Cahill and Recording Secretary Cyndy Alexander

**Commissioners Absent:** Michele Grenier

Opened the meeting at 7:00 p.m.

**Community Input:** None

**Approval of Minutes:** For Minutes dated October 5, 2016 a Motion to approve by Mr. Hassan. Motion seconded by Mr. Graham. Motion passed unanimously

**Correspondence pertinent to tonight's meeting:**

- DEP Comments
- Peer Review Letter – 72 St. James Street #145-1031
- Continuance Letter – 121 Spring Road #145-997

**7:05 Public Hearing: NOI: 72 St. James St #145-1031** Mr. Kurt Meisner of Meisner Brem Corp. on behalf of Samuel Kong is proposing to replace an existing single family dwelling. Ms. Cahill asked the Chairman to remind the audience members they will have an opportunity to speak to the Board after Mr. Meisner is done with his presentation. Mr. Olson did reiterate that to the audience. Mr. Meisner states this property is a 2 ½ acre parcel, the uplands equal .61 acres. His clients are proposing to remove the existing dwelling and construct a new single family dwelling. The Wetlands were flagged by Leah Basbanes of Basbanes Wetland Consulting as well as by Doug Smith of Soilsmith Designs, who was hired by the Town for a Peer Review. Flag 7A and 8A moved closer to the property, behind the shed, and are indicated on the Plans. Erosion controls along the tree line would be installed. The new house would not be much larger than the existing but will be configured differently. They will be trying to maintain the 30 foot street set back. Mr. Jendro asked what date the Plans were revised as it is not on the Plan. Mr. Meisner states he revised the Plan on 12/5/16 and is not sure why it's not reflected on the Plan but he will add it. There are currently two chicken coops and one large shed existing on the property and are proposed to remain. Ms. Cahill states that she has asked Mr. Kong to move the chicken coops because previously Mr. Kong had come in for a permit for the chicken coops and there was a discrepancy in its placement on the property. Ms. Cahill had instructed Mr. Kong to move the chicken coops out of the Wetland area. She also states to avoid further encroachment into the Wetlands there should be significant signage at the limit of work so the line remains and no additional work can be done beyond that. Mr. Meisner agrees. Mr. Graham asked if the coops were currently occupied by animals at this time. Mr. Kong, the homeowner, states there are currently some ducks living in them. Mr. Kong states he is willing to take out both of the chicken coops. Mr. Graham asked what was in the shed. Mr. Kong states it is storage of lawn mower and equipment. He states that shed was existing when he purchased the house. Mr. Graham states he is concerned about sheds and coops being so close to the Wetlands, traffic to and from the shed and coops and would like to see all three taken out. Mr. Kong agreed to remove all three. Mr. Olson asked Ms. Cahill is she had been out to the property; she has been there. Mr. Olson asked Ms. Cahill what the coops and shed were constructed out of. Ms. Cahill states they could all be dismantled and moved. Ms. Cahill also brings up the point that she is aware that Mr. Kong has been mowing near the Wetlands, further back, closer to the Pond and her concern is that this

encroachment needs to stop. Mr. Meisner suggests a split-rail fence and signage along the limit of work line. Mr. Olson would want to see this added to the Plan if the client agrees to the fence and signage. Mr. Meisner clarifies for the Board that Mr. Kong agrees to remove two chicken coops and move the shed away from the Wetlands. The driveway would be slightly increased, possibly by 200-300 sf. Mr. Graham wants that added to the Plan as well as dwelling dimensions. There should also be deck stairs on the Plan so that will also need to be added to the Plan. Mr. Graham states those stairs should not encroach closer than 50 feet to the Wetland. Ms. Cahill mentioned that she wants to see construction sequence shown on the Plan as well. The coops should be removed and shed moved prior to any construction. Mr. Meisner states the demolition materials will be removed from the site and Ms. Cahill states the building department will ensure the debris is handled properly. Mr. Olson asks why no grading is shown on the Plan. Mr. Meisner states the site is very flat and there won't be any additional grading done. No material from the excavation will be left on site. Mr. Jendro wants to see permanent markers at Flags 9A and 10A; Bernstein markers preferably.

Mr. Olson invited the audience members to speak regarding this property. Ms. Sheila Shattner of 86 St. Paul Street, an abutter, came forward. Ms. Shattner states her only concern is the Wetland and she feels the Conservation Commission is addressing her concerns. Her cellar floods when the Wetland fills up. She doesn't want to see anything to impact the Wetlands to make this matter worse. She asked exactly where the house would sit on the lot. Mr. Meisner showed her the Plan and explained it will actually be a little further away from her property. She wishes the Kongs the best.

Mr. Olson wants to see some spot grades on the Plan as there would be no contours since it's so flat; add revision date to Plan, add construction sequence to Plan, add to Plan that the chicken coops will be removed prior to construction; add to Plan the shed will be moved prior to construction; permanent markers at Flags 9A and 10A; demolished materials taken off site; add deck stairs to Plan; add dimensions for deck, stairs and dwelling to Plan; add fence line with signage to Plan. Mr. Meisner will provide Ms. Cahill revised Plans before issuing the Order of Conditions. Mr. Hassan made a motion to close the public hearing. Mr. Jendro seconded that Motion. Mr. Hassan made a Motion to issue the Order of Conditions provided all requests are met. The Motion was seconded by Mr. Jendro. Motion passed unanimously.

**7:10pm Public Hearing: NOI: 104 Clement Road #145-1035** Ms. Maureen Herald of Norse Environmental Services on behalf of Mr. Joseph Mason is proposing to install an above ground pool, deck, chain link fence, grub and clear 300 sf in the back yard. Mr. Olson wants the 50 foot buffer line added to the Plan. The Plans should also show the dimensions for the pool. There will be no grading, only grubbing. The distance of the pool to the Wetland is 67 feet. Mr. Graham made a motion to close the public hearing. That motion was seconded by Mr. Hassan. Mr. Graham made a motion to approve the Order of Conditions provided the Plans are revised as to add the 50 foot buffer zone line, add dimensions of pool and deck to Plans and that a condition is added to the Order to utilize cartridge filtration for the pool. Mr. Hassan seconded that motion. Motion passed unanimously.

**7:15pm Public Hearing: NOI: 1500 Broadway Rd #145-1034** Ms. Maureen Herald of Norse Environmental Services on behalf of Gildas Bettencourt to propose construction of a Dunkin Donuts drive-thru and two retail spaces. Ms. Herald states this is an existing wooded lot. There is a 200 foot riverfront area and there is an existing drainage easement on the property. Ms. Herald states the areas of this project under the Conservations jurisdiction are the drainage, parking and retaining wall. The site is also located within estimated and priority habitat for the

Wood Turtle. She submitted a filing to Natural Heritage and just today they received a letter stating it will not adversely affect the species of the habitat and they would be okay with this work being done but they have asked for a Turtle Protection Plan be put in place. This would mean during the construction, if the erosion controls are not in during the turtles active season the client would have to provide bi-weekly turtle sweeps performed by a qualified biologist. The active season is April 2<sup>nd</sup> through October 15<sup>th</sup>. Construction is planned to begin as soon as possible, hopefully before the active season. Ms. Herald states she has to go before the Board of Selectman for the drive-thru approval and is in process of filing with MEPA, an EFA for the traffic count. Erosion controls are reflected on the Plan. They would be clearing the lot up to the erosion control line. In terms of the Riverfront regulations, they are under the 5000 sf threshold so this does meet the Riverfront provisions. Mr. Olson asked about a condition set by the Stormwater Management report that mowing must occur in the inactive season and wants to know what area that is referring to. Ms. Herald shows the Board that area on the Plan which is the swale areas, specific to the drainage. Mr. Olson wants it delineated on the Plan which areas will not be mowed between April 2 and October 15<sup>th</sup> and wants signage on site. Mr. Olson asked what area drains into the rain garden. Ms. Herald states it's the infiltration trench that goes to the forebay. She does not believe there is a grease trap on site but will double check with Sewer/Water department. This will be town water and gravity sewer. There is not an oil trap. No stormceptors. Catch basin detail is in the Plans. Mr. Olson wants to see protected area that will not be mowed on the Plans. Ms. Cahill states that since it is still under review by the DEP she would want to see their comments before proceeding. Mr. Hassan made a Motion to Continue to the January 4, 2017 meeting. Mr. Graham seconded the Motion. Motion passed unanimously.

**7:20pm Public Hearing: RDA: 235 Patricia Lane** Ms. Maureen Herald of Norse Environmental Services on behalf of Paul and Sara Barry are proposing to add a two car garage to an existing single family home as well as a breezeway, addition to the kitchen and a porch. The Board had many concerns with the Plan presented as there were dimensions missing, the porch dimensions and the 50 foot buffer zone line. Mr. Jendro wants there to be permanent markers placed at Flags 3A, 7A and 8A. No additional building within 50 feet of the Wetland. Mr. Olson noted that the majority of the proposed work is outside the 50 foot buffer zone. The Board agrees to Continue to the next available agenda as soon as the revised Plans are provided. A Motion was made by Mr. Hassan to Continue. Mr. Graham seconded that Motion. Motion passed unanimously.

**7:25pm Public Hearing: Continuance: Shelton St Ext. #145-1032** Mr. Ken Lania of Cornerstone Land Associates states that he met with the DPW Director to discuss this project and the Director has requested some modifications to the Plan. Mr. Lania would need more time to accommodate those modifications. A request to Continue by Mr. Lania until January 18, 2018. A Motion was made by Mr. Hassan to Continue. Motion was seconded by Mr. Graham. Motion passed unanimously.

**7:30pm Public Hearing: Continuance: 37 Shelton St #145-1033** Mr. Ken Lania of Cornerstone Land Associates states that this project is directly related to the Shelton St. Extension that this filing should also be continued until January 18, 2017. A Motion was made by Mr. Hassan to Continue. Motion was seconded by Mr. Graham. Motion passed unanimously. Ms. Cahill told the audience members who were in attendance for this filing to give her a call on or a day before January 18<sup>th</sup> to check and see if Mr. Lania will be ready for this filing to be heard. Mr., Olson told the audience that the DPW Director is reviewing this site drainage and has requested some changes to the proposed site and is looking out for the residents and the town's best interest.

**Certificate of Compliance: 23 Hidden Road #145-457** Mr. Jeff Andrews of Wetland Preservation on behalf of Matt Keilec is requesting a Certificate of Compliance. This property is a parcel of the Summer Hill sub-division Order of Conditions that was issued in December 2000. This house has been sold a number of times and it was noticed recently that the Certificate of Compliance had not been filed. The As-Built Plan was submitted to the Board. The existing house was shifted to the West and is outside the 100 foot buffer zone. He delineated the Wetland area, showing as Flags A1 through A11 is the most recent Wetland boundary. There is a retaining wall, another smaller retaining wall, a tree line and maintained grass from the edge of the driveway out to the 100 foot buffer. There is a large Wetland Crossing near this site. During the development of the sub-division there was a large Wetland disturbance due to the road construction and replication but it was not done on this parcel. There was some discussion that there was some Wetland impact but it was determined that was not the doing of the homeowner but that it had to do with some road work. Mr. Olson asked if the current grading being shown on the Plan is the same as the original grading. Mr. Andrews states that it is not the same. He believes at some point some fill was added to a part of the Wetland but in fact the Wetland has actually expanded and is now larger than originally planned. There is currently 750 sf of Wetland. With 400 sf of filled Wetland so there is a net gain of 350 sf of Wetland on this lot. A Motion was made by Mr. Hassan to approve the Certificate of Compliance. The Motion was seconded by Mr. Graham. Motion passed unanimously.

**Certificate of Compliance: Dracut Water Supply District Paving Project #145-1010** Ms. Cahill states that she has reviewed the documentation and As-Built Plan for this parking lot paving project and recommends approval of the Certificate of Compliance. A Motion was made by Mr. Hassan to approve the Certificate of Compliance. The Motion was seconded by Mr. Jendro. Motion passed unanimously.

**Certificate of Compliance: 33 Regency Drive #145-915** Mr. Matt Hamor of LandPlex on behalf of Spartan Homes/Evan Themalis who is the former owner. He has submitted an As-Built Plan and photos showing the site is properly vegetated and conforms generally to the original plan that was submitted with one insignificant change from November 2014. The building meets the 25 foot requirement from the closest Wetland flag and this has been certified. Mr. Olson asked if there was any impact to the Wetland. Mr. Hamor said there was none. Ms. Cahill states she compared the Plan and the edge of disturbance is at Flag 4A, the original limit of work has been pushed toward the Wetland line. They would not have approved work at the Wetland line and it is a concern. Mr. Olson asked Mr. Hamor if there are Bernstein markers at Flags 3A and 4A. Mr. Hamor states they are there. Mr. Olson wants to see those permanent markers shown on the Plans. Mr. Olson notes there is a certified vernal pool. Mr. Hamor states the limited disturbance was less than what was originally shown on the Plans. Mr. Olson suggested a post and rail fence installed five feet off of the Wetland line at Flags 3A and 5A. Offer the client an option to restore the disturbed vegetation to return it back to the original plan or install a fence, especially since there is a vernal pool. Mr. Olson states the client could consider a fence or field stone; something to block a lawn mower from disturbing the area. The Certificate of Compliance would not be issued until the Plan is created to show how this disturbance will be mitigated and the work is completed and an As-Built Plan is provided. Mr. Hamor is requesting a Continuance to the January 18, 2017 meeting. A Motion is made by Mr. Graham to Continue. The Motion is seconded by Mr. Jendro. Motion passed unanimously.

**Certificate of Compliance: 15 Corrine Drive #145-939** Ms. Cahill states that she has reviewed the documentation and As-Built Plan for this project and recommends approval. Mr. Hassan

made a Motion to issue the Certificate of Compliance. Mr. Graham seconded the Motion. Motion passed unanimously.

**Certificate of Compliance: 90 Peters Pond Road #145-414** Attorney Joe Clermont and Ms. Maureen Herald of Norse Environmental Services on behalf of Bruce Thompson are requesting a Certificate of Compliance on an outstanding Order of Conditions from 2000 to replace a tight tank for the cesspool. Since 2000 there was to have been periodic reporting of the pumping to the Board of Health and Conservation but no records were found to document this reporting. There have been a few different owners during this time. In 2010 town sewer was added. There is also no record of crushing the tight tank when sewer was added. The board discusses approving a Certificate of Compliance for "work not done" and agrees upon that. A Motion was made by John Hassan to approve the Certificate of Compliance for "work not done". Mr. Jendro seconded that Motion. Motion passed unanimously.

**Old Business:** None

**New Business:** None

**Adjourn:** Motion made by Mr. Graham to adjourn. Motion seconded by Mr. Jendro. Motion passed unanimously.

**Signings:**

Next meeting scheduled: Wednesday, January 4, 2017 at Town Hall.

Meeting adjourned at 8:47 p.m.



Victor Olson, Chairman



Stephen Graham



John Hassan



James Jendro

ABSENT

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Michele Grenier

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Fred Spicer

Cyndy Alexander  
Recording Secretary