

Dracut Conservation Commission
Minutes of May 17, 2016
Dracut Town Hall

Commissioners Present: Victor Olson, James Jendro, Michele Grenier, John Hassan, Lori Cahill and Recording Secretary Cyndy Alexander.

Commissioners Absent: Stephen Graham

Opened the meeting at 7:00 p.m.

Approval of Minutes: Michele Grenier made a motion to approve the minutes of May 3, 2016. Motion seconded by James Jendro. John Hassan abstained as he was not present on May 3, 2106. Motion seconded by James Jendro and accepted by Victor Olson. Motion passes.

Correspondence:

- Reviewed email from Matt Hamor for a request for Continuance for 1489 Broadway until June 7, 2016 which is the next Conservation Meeting as he is still waiting on a response from Natural Heritage. He will be added to the next available agenda once he has the response from Natural Heritage.
- DEP Comments. Reviewed by all board members in attendance.

Public Hearing Notice of Intent: 121 Spring Rd: Mr. Steve Eriksen of Norse Environmental Services presented a plan to build a single family dwelling, deck, garage, driveway, retaining wall, wetland alteration, wetland replication, associated grading and utilities. He further explained that the original proposal was to run a driveway along the side of the property and put a house in a particular location in the back part of the property with Wetland replication happening in a separate area in a different location of the property. When their plans were completed they realized doing the plan this way would be separating the Wetland and the habitat, actually fragmenting the Wetland. It became clear to him that it would make more sense to fill a small area of Wetland, 3600 SF and put the dwelling there and put the Wetland replication in the back area. Environmentally it didn't make sense to put the driveway in the original place and fragment the habitat area. The lot is 4.39 acres in size. Most of the land is Wetland but there is small amount of buildable land up in the front. They had re-flagged the Wetland, had it surveyed and believe this design is better suited than the original design. Mr. Olson asked if this lot has town sewer and water. Mr. Eriksen said it does. Mr. Olson asked if there was a flood plain out in this area. Mr. Eriksen said it was a zoned X but not a steady flood plain area and there is not much fluctuation. Ms. Grenier asked if the owners realized they wouldn't have a back yard. Mr. Eriksen said they do realize that. Mr. Hassan asked if by filling in the Wetland if that was going to stop the flow of the Wetland. Mr. Eriksen explained there is no flow, it is a deep marsh so essentially a stagnant Wetland area. There is no movement, no discernable flow. Mr. Olson asked how far down the construction of the foundation needs to go. Mr. Eriksen said the footing has to go down at least 4 feet. Mr. Olson said it looks like the front of the building is higher than the back by 6 feet. Mr. Eriksen agreed and said the cellar floor

will be at grade level and they will fill in the front for appearances sake. Mr. Olson asked if they will be excavating in the front and where will the material go. Mr. Eriksen said they would have to remove some top soil and sub soil and it will be stockpiled on the property until it can be removed. Mr. Olson asked if any soil investigating has been done as to how far down they will have to dig. Mr. Eriksen said they have not at this point. Mr. Olson has a concern that the building and the Wetland are only a few feet different and they will have to drill further and not pull in Wetland material and soil from outside the boundary area. Mr. Eriksen said they would check to see how deep it is. Mr. Olson asked if there was standing water on this site. Mr. Eriksen said yes there is, about 5 feet out from the Wetland. Mr. Olson asked if they had an elevation for the standing water. Mr. Eriksen did not have that. Mr. Olson would like to see what that is relative to the basement floor and the footing. Mr. Hassan asked if there are permanent markers showing. Mr. Eriksen said they are not but they could put those in. Mr. Jendro asked how they will protect the Wetlands in the long-term. Mr. Eriksen explained there is a wall that will end being at grade level. Mr. Olson reviewed the wall measurements and grade and asked if there would be some sort of under drainage. Mr. Eriksen said there is none and there is nowhere to drain it. Mr. Olson asked if there would be a sump pump and where would it discharge to. Mr. Eriksen said if it's necessary there will be one but in but he didn't think one was necessary. Mr. Jendro asked if it was required, where it would drained into. Mr. Eriksen said it would drain on to the lawn. Mr. Jendro said that if at grade, it would go over the wall and back into the Wetland. Mr. Jendro doesn't believe this is a viable location for a dwelling being so close to the Wetland. Mr. Olson asked what kind of wall is being proposed. Mr. Eriksen said a stone wall. Mr. Olson wants to see the detail for building the wall in the Wetlands. Mr. Eriksen will provide that detail. Mr. Olson said it looks like the deck is closer than fifteen feet and is wondering if that is okay. Mr. Eriksen said he would verify that. Mr. Jendro stated that this is a very large dwelling and asked if it would be possible to reduce the size of the dwelling to pull back on the Wetlands. Mr. Jendro also stated that this is the closest approach to a Wetland he has seen since he's been on the Commission. Mr. Eriksen will check with the owners about reducing the size of the dwelling. Mr. Hassan said the DEP comments are that they need 401 Water Quality and full build out. Mr. Eriksen said it is a single dwelling and they have the full build out and they can add to the deed restriction on the property that no further filling will occur on the lot and that would get them an exemption on the 401 Water Quality. Mr. Olson wants to see where the water elevation is before he can make his determination. Mr. Eriksen agrees to get that information and suggests a continuance. Ms. Grenier makes a motion to continue. Ms. Lori Cahill, Conservation Agent, does not have a date for continuance at this time but will provide that to Mr. Eriksen in the next few days. Mr. Hassan seconds the motion. Motion passed unanimously.

Public Hearing Notice: ANRAD: 1905 Lakeview Avenue: Mr. Steve Eriksen presented a plan to show where the Wetlands are and where they want to propose to work in an adjacent area. He will be filing a Notice of Intent but for now wants to establish the Wetland boundaries so everyone is comfortable with the project before they enter into the engineering phase. Filing is for one lot, 1.2 acres with Wetlands on it. Mr. Eriksen

explained that they were not aware of the exact boundary lines at the time of the flagging so they went too far with the flags and pointed out the area on the map that they are interested in doing a filing for. Mr. Jendro asked how they did the flagging. Mr. Eriksen explained that in one area it was topographic because there is a steep drop to it. He used soils and vegetation along the rest of the boundary where it's not as distinct. The first area he mentioned, the vegetation and topography make it fairly obvious where the boundary is. Mr. Eriksen said it was a Red Maple swamp. Mr. Olson said he would like an independent review of the Wetland as he believes one side has a definitive boundary but the other side is open to interpretation. A gentleman in the audience wished to speak. Mr. Leo Boule who lives at 15 Primrose Hill. His mother lives at 29 Primrose Hill Rd. Most of the flags showing on the map are on 29 Primrose Hill property and they were unaware of anyone going on their property. He states that at one time all of this property before the building of the Primrose Estates, none of this property was Wetlands. Mr. Boule wants to know how these Wetlands are going to affect his and his mother's property. Mr. Olson explained that the ANRAD is for property that fronts Lakeview Avenue and the McKenna property is not included with this ANRAD however, if there are Wetlands there and if there is work to be done there that it would need to be evaluated in the future. Mr. Boule then asked if this project was going to put their land more under water than it is now. Mr. Olson explained that what Mr. Eriksen is doing is establishing where the Wetland boundary is on that property. Mr. Boule was upset that someone was on his property to do the flagging without permission. Mr. Hassan explained that Mr. Eriksen had already explained that they went too far with the flags by mistake because they didn't know the exact plot lines at the time. Mr. Olson explained that the purpose of the ANRAD was to delineate what is on the parcel to know exactly what is Wetland so it doesn't get impacted if they come back with a submission on what they are proposing to do on the lot and this is to agree on where the Wetland line is on their property. Mr. Boule asked if whatever work they do will not spread the Wetland further into his property. Mr. Olson explained that the idea is to not touch what is there already and enlarge it. Mr. Jendro suggested to Mr. Olson that they could only approve Wetland flags 1A – 44A, just on the property in question so they don't tie the extra flags down. Mr. Olson agrees. Mr. Jendro told Mr. Boule that they are not saying the flags on his property are right. Mr. Boule thanked the Commission. Mr. Olson has a concern with the parcel to the East as to where that boundary is. The boundary to the Northeast is well defined. Mr. Hassan made a motion for a second opinion. Ms. Grenier seconded the motion. Motion passes unanimously. Ms. Grenier made a motion to continue to a date unknown at this time. Seconded by Mr. Hassan. Motion passed unanimously.

Public Hearing Notice: Amendment to Order of Conditions: 18 Natures Way: Mr. Steve Eriksen present plans to increase the size of the dwelling and decrease the size of the driveway. Mr. Eriksen explained that this lot was previously approved several years ago when they received an Order of Conditions. They are reducing the driveway by 850 square feet. They had an oil and sediment separator in the corner of the driveway and have replaced that with a four bay which will have the same effect. They've provided rooftop infiltration on the back and side of the dwelling. They meet the towns' 50 foot setback for new construction. Mr. Eriksen explains that the new plans are not

significantly different from the original design and the replication area has been done. Mr. Jendro asked if Mr. Eriksen had something to show the two differences between the two plans. Ms. Cahill, Conservation Agent, pointed out where to locate the original plans in the file and reminded the board members that they filed for an extension in April 2016 and they have a one year extension. The original plan called for septic but now the lot has been sewered and the plan calls for an E1 pump chamber. Mr. Jendro noticed that the Wetland area differs between the two plans. Mr. Eriksen states that it was reflagged but he didn't think it was different. There were discrepancies found and Mr. Eriksen believes there were typos made in the plans. Mr. Olson states that there was an area on the original plan delineated as Wetland. Mr. Olson said that it appears the driveway has also changed from the original plan. Mr. Olson has requested an acetate overlay so they can clearly see the differences in the two plans. There could potentially be a Wetland impact that would be in violation. Mr. Olson asked if the driveway cuts across the property. Mr. Eriksen said yes. Mr. Olson pointed out that it appears that it cuts across some of the replication area as well. Ms. Grenier agrees. Mr. Olson again asks for an acetate overlay and also dimensions. Mr. Jendro asked about between flags 4A and 5A, is that rip-wrap showing there? Mr. Eriksen said yes it is. Mr. Jendro asked, is that in the Wetland. Mr. Eriksen said yes it is. Mr. Jendro asked if that disturbance was accounted for in any replication area. Mr. Eriksen said he will check on that. Mr. Hassan pointed out there were no dimensions for the deck on the plans. Mr. Eriksen said he would add that. Ms. Cahill reminded Mr. Eriksen that the client needs to pick up the extension and get it recorded. Mr. Jendro asked if the proposed four bay was to handle the run-off. Mr. Eriksen said yes. Mr. Olson said to reschedule this filing. Ms. Cahill said it would go on the next available agenda which is not known at this time. Abutter, James Cieslik who lives at 600 Salem Rd spoke to the board and explained that all of the run-off in the developments around him drain into his property. Mr. Olson asked if he could comment on this property currently in front of them. Mr. Cieslik said he could never get a copy of the plans. Mr. Olson explained it is on file in the Town Hall and he can get a copy from there. He said he couldn't get it from the Building Department or Engineering Department. Ms. Cahill gave him a copy. He explained he is concerned because every house that goes up there, every development that goes in there drains across his property and then to the lake. Ms. Cahill suggested having the Town Engineer look at this lot and the run-off. Ms. Grenier and Mr. Olson explained that there are roof drainages and less impervious areas from what was originally proposed. The grade is about 8 feet higher than the Wetlands. Mr. Olson thanked Mr. Cieslik. Motion to continue, first by Mr. Hassan. Seconded by Ms. Grenier. Motion passed unanimously.

Continuation of Notice of Intent: Commonwealth of MA: 280 Tyngsboro Rd:

Proposal to repair an existing boat ramp, includes removal of existing boat ramp, concrete anchor slab, pavement and installation of new crushed stone base, pre-cast concrete boat ramp, and repairs as necessary. Terry Smith from MA State Fish and Game Department, Office of Fishing and Boating Access; he explained there is an existing state owned boat ramp and in November 2014 they reached an agreement with the town for a land management agreement for phase 1 boat ramp project and phase 2 parking lot reconstruction project. This Notice of Intent is just for the boat ramp. Also

for line striping of the existing parking lot. Mr. Olson asked if it was going back into the same footprint. Mr. Smith said yes, the same footprint. The ramp will have some additional length to it to prevent prop wash which is better for the lake bottom. Mr. Smith explained a Chapter 91 License is not required as it is exempt. They will remove the old pavement and put down new pavement as a repair. They will remove the existing concrete boat ramp and put in a new pre-cast concrete boat ramp. Mr. Smith will be the person doing the work. There will be erosion control barriers in place along the top of the bank. Mr. Smith hopes to complete the work by the end of June 2016. Mr. Jendro asked Mr. Smith to explain how the curtain works. Mr. Smith explained it's a floating boom that would contain any type of oils in the water and there will be a six foot weighted curtain in the water that would contain anything within that boom. Mr. Jendro asked if he would let the work area settle out and then remove the boom. Mr. Smith said yes they would let it settle out and then remove the boom. Mr. Jendro asked if there would be any spoils leftover and what would be done with them. Mr. Smith said he plans to take everything out by truck and haul it off site and dispose of it off site. Mr. Olson had Mr. Smith explain the installation of the ramp in detail. Mr. Olson asked if the pads would move with ice. Mr. Smith said the pads are much bigger and won't move and in fact, the ice will rise up over the pad. The ramp will follow the lake bottom. Mr. Olson pointed out that the project calls for crushed stone. He wants to know what diameter the stone would be and would anything be needed to hold the crushed stone down. Mr. Smith said nothing was needed to hold it in place and explained the process. Mr. Olson said he wants the crushed stone to be a washed crushed stone. Mr. Smith agrees and states it will be $\frac{3}{4}$ inch stone. Mr. Olson had Mr. Smith review all of the dimensions of the project. There were no questions or comments from the audience. Mr. Hassan made a motion to approve. Ms. Grenier seconded the motion. All in favor, motion passes.

Certificate of Compliance: Pelham Rd (Sophia Dr.): Steve Eriksen explained that this is a sub division, 5 lots were put in. The lots have not been graded and sewer is now available. These were originally designed for septic so there is a lot of fill on the property. Mr. Eriksen noted the Wetland replication area is too small and needs to be increased. There is a pipe there that needs to be installed and it needs to be graded. Mr. Eriksen is requesting a Certificate of Compliance for all work that is completed and for what work is not completed so that they can close out the old Order of Conditions and submit a new filing for a new Order of Conditions for the rest of the work. Mr. Jendro asked for a detailed list of what is completed. Mr. Eriksen has provided a letter which states the roadway is constructed, drainage was installed and the tension pond completed, no dwellings were constructed. Also, will be filing a Notice of Intent for the sewer lines for the individual homes. Ms. Cahill noted that the old Order had expired and this request is to close out the old Order of Conditions. Mr. Olson asked Ms. Cahill if she was familiar with the conditions of the site today. She explained she is not an engineer or a surveyor and believes there are people at the meeting who could better speak to that. Ms. Cahill did mention that she was aware of stockpiling due to the sewer project and that some of the stockpiles are very close to the Wetlands. Further she believes this may require some type of site visit. Mr. Jendro asked Mr. Eriksen if the work that has been done is in substantial compliance; Mr. Eriksen said it was but there may be some discrepancies. Mr. Eriksen has a letter from Mr. Close, an engineer, to certify the work

that has been done to this point. It also mentions a list of items that still need to be done. Mr. Olson believes an Enforcement Order should be issued with a list of all the items that are not done as yet with a plan on what they are proposing. Mr. Olson said there are three large spoil areas on the site. He asked if there is erosion controls around those areas. Mr. Eriksen said there are none. Mr. Eriksen was asked how long the spoils have been there and he said some have been there since 2004 and have been growing. Mr. Olson invited audience members to speak on this matter. Mr. Ed Smith lives at 584 Pelham Road and he explained he abuts lot #6. Mr. Smith has compared elevations from old plans to new plans and he believes that with the filling in of the lots the plans are not accurate today. He has photographs, copies of previous Conservation Minutes where he stated he was having a problem with water running onto his lot. He said the owner of that property said he was going to fix it. Over 13 years later all the sills of his building have rotted out due to the drainage going over his land. All of the fruit trees have been killed on his property. Mr. Smith said that people need to look at this lot as the elevations differ greatly on the plans from what is actually there. He claims lots 1 & 2 are filled with piles over 20 feet high. He stated these same issues in March of 2003 and now 13 years later he is still having the same problems with this lot. Mr. Olson is concerned about the stockpiles and what the material may be. Mr. Smith explained that the property owner was going to put in a swale but it has never been installed. He said the water runs over a wall and onto his property. Mr. Olson said he heard Mr. Smith's concerns and the board is interested in doing a site visit. Mr. Smith offered to take them through the site visit but Mr. Olson said that would be handled through the Conservation Agent's office. Ms. Cahill told Mr. Smith he can only go on the property at Sophia Drive with the owner's permission. Mr. Hassan said there are a couple of things to do and the first is to get some protection around the piles. Mr. Olson said he wants to see the site to get the full scope of the matter. Ms. Cahill explained the existing Order of Conditions is expired and it just needs to be closed so they can open a new Notice of Intent and new conditions can be applied. Mr. Olson confirmed they have copies of the original plan and the new plan for review. Mr. Olson wants to do a site walk to determine the scope of the Enforcement Order. To start off, he wants erosion controls put around the stockpiles as the first step of the Enforcement Order and may add more to that depending on the site visit. Ms. Grenier made a motion to table the Certificate of Compliance. Motion seconded by Mr. Hassan. All in favor, motion passes. Ms. Grenier made a motion to send an Enforcement Order and have the board ratify that at the meeting so that when she is ready to do it, Ms. Cahill can do it herself. Seconded by Mr. Hassan. All in favor, motion passes. Mr. Olson said he wanted to arrange the site walk with Ms. Cahill. He asked if the owner can be present. Ms. Cahill said she would want Mr. Steve Eriksen to be present and the owner has the right to be there. The board members and Mr. Eriksen agree to meet at the site on Monday, June 23rd at 6pm. Mr. Smith offered to meet them on his property to show them what he is referring to, if they wish. Mr. Smith also wanted to clarify, he is not trying to stop the owner from building homes on that property, but he is trying to stop his land being destroyed by running water. Mr. Olson thanked Mr. Smith. Ms. Cahill let the board know that originally they were to hear the Order of Conditions for Sophia Drive on June 7, 2016 but after this hearing they will not be able to hear it on June 7th as these issues need to be addressed.

Extension Request: Order of Conditions: 760 Nashua Rd, Lot #2: Mr. Steve Eriksen showed the board members a plan and pointed out areas where work has been completed and also where work is still required. He is requesting an extension to complete that work. Mr. Jendro asked if it was extended previously. Mr. Eriksen said no and that it expires in a couple of days. He is requesting a three year extension. Mr. Hassan made a motion to issue the extension. Seconded by Ms. Grenier. Mr. Jendro opposed. Motion passed 3 to 1.

New Business: 124 Old Pasture Rd: Request for Determination. They have put in a silt fence 25 feet from Wetlands and have a 100 foot buffer from Wetlands. They have an offer on the house and wish to start to build. This RDA is currently on the June 7, 2016 agenda. Mr. Olson feels that this should have been put on the agenda, not as new business and therefore is not in compliance of meeting laws and they cannot vote on this tonight.

Old Business: N/A

Informal discussion: Next meetings: Summer Schedule: Tuesday, June 7, 2016 and Tuesday, June 21, 2016, and Wednesday, July 20, 2016. We are going back to Wednesday for these meetings beginning on July 20th. No dates have been chosen for August as yet.

Continuance of NOI: National Grid: Proposal of constructing new electric transmission lines: Ms. Cahill recused herself from this hearing. Mr. Mark Bergeron, a scientist with VHB stated they have some minor changes. He mentioned that there are several VHB representatives present from different departments if there are specific questions. Mr. Bergeron reviewed the work of adding transmission lines. At the last meeting the board asked VHB for a supplemental plan set that shows distances of the structures. VHB has provided a set of plans that has all the off-set. In addition, a third party reviewer, Mr. Doug Smith, has reviewed all the plans and reflagged the field and has submitted a second plan set which shows all the proposed changes to the project and it has all the Wetland flags identified. Mr. Smith has provided a letter which contained two action items for VHB, there were two areas where he adjusted flags. He asked that flag 57A be added, that was done. The second area was a small portion of Wetland that was not previous flagged. 5 flags were added and are showing on the new plans. Mr. Bergeron summarized a couple of minor changes: an increase in timber matting and a reduction in work area on Sheet B 10 & 11. One structure #44 was removed. There was some work posed in riverfront area, that is no longer being done which resulted in a decrease in timber matts being used. Mr. Jendro brought up a point about one structure, a Wetland crossing that was to be added. Mr. Bergeron said that was done. Mr. Jendro questioned if that crossing would require any permanent maintenance. Does it get inspected? Mr. Bergeron reminded the board it is a proposed arch, it would not be underneath in the Wetland system. Mr. Jendro pointed out that beavers tend to build onto structures like this arch. Mr. Bergeron explained there is no flowing stream there, but there is a small piece of upland that freezes over. Josh Holden from National Grid

addressed this question by stating the forestry group goes out and does periodic maintenance on a 3-5, 5-7 year schedule so when they are out there they would observe the area and look for issues. They do regular helicopter patrols, after storms they patrol and typically if something is noticed they would notify the control center. Mr. Jendro asked how would we know this work will not cause a change in the Wetland and would they go back in 5 years and reflag. Mr. Bergeron said the proposed arch is not going to change the flow. This crossing helps facilitate access to the lines and this installation will actually help to stabilize the Wetlands. The Wetland edge is about 5 or 6 feet away from the crossing. There is no connection from the crossing to the Wetland. Mr. Vieria stated that this structure has a 21 foot span and is fairly large. On the western side it's a large impounded area, water comes up and fills in the Wetland and occasionally spills over into the crossing but there is not a stream or a flow. Mr. Bergeron offers to supply the board members with photo documentation periodically for three years of the proposed permanent crossing. Motion to close Public Hearing by Ms. Grenier, seconded by Mr. Hassan. Motion to approve Order of Conditions by Ms. Grenier, seconded by Mr. Hassan. Conditions are on plan page B16 show the Wetland Replication and full documentation of the crossing. All approved. Motion passes. Mr. Olson thanks VHB for their attention to detail.

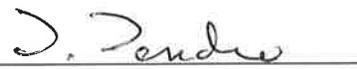
Signings

Motion made by Mr. Hassan to adjourn the meeting. Motion seconded by Mr. Jendro. Motion passed unanimously.

Meeting adjourned at 8:57 p.m.



 Victor Olson, Chairman



 James Jendro



 Michelle Grenier

ABSENT

 Stephen Graham



 John Hassan

Cyndy Alexander, Recording Secretary
