

**Dracut Conservation Commission  
Minutes of January 4, 2023 – 7:00pm  
Douglas G. Willett, Board of Selectmen Chambers**

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DRACUT, MA

**Commissioners Present:** Dave Sutherland, Arthur Taylor, John Svrcek, Rob Sheppard, Rob Northrup, Conservation Agent Lori Cahill and Jessica Arseneaux, Recording Secretary

**Commissioners Absent:** Dave Martin and John Jackson

Chairman Dave Sutherland opened the meeting at 7:00pm.

**Community Input:** None

**Approval of Minutes:** Mr. Arthur Taylor made a motion to approve the minutes of December 7, 2022, Mr. Rob Sheppard seconded the motion. Motion passed unanimously.

**Correspondence:**

1250 Lakeview Avenue DEP#145- requested to be tabled.  
56 Lakeshore DEP#145-1184 requested to be tabled until the 1/18/23 meeting.  
341 Broadway Rd. DEP#145-1185 requested to be continued.  
Pictures from 56 Lakeshore as well as pictures from Sladen St.  
Wetland flagging on Long Pond.

**DEP Comments:** The DEP comments that Lori Cahill received were already sent out, and there were no comments on Sue Ann Drive, or 91 & 101 Donohue Road.

**Public Hearing: Notice of Intent: 80 Sue Ann Drive DEP#145-1186:**

Mrs. Maureen Herald from Norse Environment states that the applicant wants to install an inground swimming pool, pool deck, fence, cut trees, grading and associated utilities within the 100 ft. buffer zone. Mr. Dave Sutherland asks if it will have a cartridge filter for the inground pool. Mrs. Maureen Herald explains that it will. The area surrounding the inground pool will be concrete, and along the walkway. Mr. Dave Sutherland mentioned how he drove by the property and possibly saw a structure of some sort. Mrs. Maureen will contact the applicant to figure that out.

Mr. Arthur Taylor motioned to issue an Order of Conditions, seconded by Mr. Rob Sheppard. Motion passed unanimously. Mr. Arthur Taylor made a motion to close the public hearing with the addition of Mrs. Maureen Herald finding out about the structure in the applicant's backyard, seconded by Mr. Rob Sheppard. Motion passed unanimously.

**Public Hearing: Notice of Intent: 91 & 101 Donohue Rd. DEP#145-1187:**

Mrs. Maureen Herald from Norse Environment states that the applicant wants to replace decks and patios in-kind within the 100 ft. buffer zone. Lori Cahill mentions her concern with the sheds being 10 ft. from the wetlands. Mrs. Maureen Herald states that she believes it is a homeowner. Mr. Arthur Taylor states that it is urgent to get rid of the concrete that they are removing and that there be no trucks allowed between the decks and wetlands to remove or replacement.

Motion to close the hearing made by Mr. Arthur Taylor, seconded by Mr. Rob Sheppard. Motion passed unanimously. Motion to issue an Order of Conditions made by Mr. Arthur Taylor, seconded by Mr. Rob Sheppard. Motion passed unanimously.

**Public Hearing: Notice of Intent: 1250 Lakeview Avenue DEP#145-:**

The applicant requested to table the hearing. Motion to table the hearing made by Mr. Arthur Taylor, seconded by Mr. Jack Syrcek. Motion passed unanimously.

**Public Hearing: Request for Certificate of Compliance: 833 Broadway Rd. DEP#145-1146:**

Mrs. Maureen Herald from Norse Environment states that there have been minor changes. The entire site has been stabilized, there are pictures to show. Minor changes that were incorporated were the stone around the dwelling itself, the bump-out for the driveway on the left side that was shifted closest to the dwelling, and there was supposed to be a door installed with a walkway which was never installed. Mrs. Cahill states how there is a fence around the front of the site, Mrs. Maureen Herald states that the homeowners installed it. Motion to issue a Certificate of Compliance made by Mr. Arthur Taylor, seconded by Mr. Rob Sheppard. Motion passed unanimously.

**Public Hearing: Notice of Intent: 56 Lakeshore – Request to table until 1/18/23 DEP#145-1184:**

The applicant requested to table the hearing until 1/18/23. Mrs. Cahill states that there has been an enforcement order that has been complied with and that the conservation members will be signing it at the end of the meeting. Motion to table the hearing until 1/18/23 made by Mr. Arthur Taylor, seconded by Mr. Rob Sheppard. Motion passed unanimously.

**Public Hearing: Continuance: Notice of Intent: 251 Sladen St. DEP#145-1176:**

Mrs. Maureen Herald from Norse Environment states that there is an existing driveway that is located between the two houses. There is an existing culvert beneath the driveway. The building was constructed in the sixties and the culvert beneath the driveway has no easements. The culvert extends into Mrs. Barbara Daigle's property located at 259 Sladen Street, Dracut MA 01826, and she does not want any work to be performed on her property. There has been an engineer to look at the culvert. They originally wanted to put in a box culvert, but because they cannot go into the abutter's property that is not an option. Mr. Dave Sutherland mentions that the second engineer was unable to inspect the culvert. The culvert replacement would require stream crossing standards and it must be met.

Mr. O'Hara states that it will inspected and repaired, if necessary, to repair does not require to meet the stream crossing standards. The original request was to replace the culvert, the applicant provided two different engineering opinions, the original opinion was that the culvert was in need of repair and replacement, in the meantime the applicant has retained another engineering study or opinion of the culvert to say its fine and does not need to be replaced.

Mr. Mark O'Hara states that they must do work out there due to safety issues. The intentions are that we will come in, there are no wetlands on this particular site, we won't have impacts on the land. Mr. Dave Sutherland states that he does take issue that Mr. O'Hara is saying he does not have any impacts because there are in fact impacts, there is a stream crossing, and it is a wetland.

Mrs. Maureen Herald states that were the original proposal, we were going to replace the pipe and the thought was we will replace it in kind and DEP said that we cannot replace it in kind if we were going to replace it the pipe, we will have to meet the stream crossing standards. Mrs. Maureen Herald states that stream crossing standards must be met if your replacing the culvert, and or if you have to extend the culvert so if you're doing a major replacement yes, but because we cant get access to the down stream

side we can't replace the culvert and that's why we went through scenarios of hiring engineer and getting another look at this and see if we can work with this culvert or not.

Mr. Rob Sheppard asks Mrs. Herald if DEP commented on this new approach. Mrs. Maureen Herald states that they have she sent over hard copies to DEP and electronically to Lori as well as DEP, she states that DEP has yes commented on the plan. Mr. Dave Sutherland states that there are concerns from the fire department and that he has concerns about heavy construction vehicles using it and driving over the culvert.

The stream is hydrologically connected to Peppermint Brook, so by definition it is a wetland, it is a stream. Mrs. Maureen Herald states that it is certainly a stream, and it has a bordering vegetated wetland and it's protected under the Wetland Protected Act. Mr. Arthur Taylor states that the culvert is built in the mid 70's and the original building that was there is old as well so through the years there is a tremendous amount of decay, it is important to bring this up so the water can travel without destroying what is left there. Is there vegetation in there, or even had a camera into the culvert to check. Mr. Spiro states that they did have a camera out there about 7 months ago and that is when they found the hair line crack a third ways in. The fire department said the culvert must be repaired or even replaced. If it is damaged, a water line underneath the culvert, so basically taking a section out and putting a section back in. Mr. Rob Sheppard states that would be impacts to the wetlands, you end up running something underneath where the water is. Mr. Arthur Taylor states that they're going to be plowing and salting. Mrs. Maureen Herald states that they can certainly either have an engineer scope it or have a third party. Mr. Dave Sutherland states that if they did that and the conservation board can really be assured that it is structurally all around and able to take additional traffic, like fire trucks and the construction trucks, cement trucks, everything going up there is very heavy equipment so if they can get reinsurance that the existing culvert can take that and have reasonable lifetime. Mr. Rob Sheppard states from a professional engineer that is experienced in horizontal construction mostly DOT work.

Mr. Dave Sutherland states that if you want the board's answer on an Order of Conditions tonight, he would have to vote no, because it needs to meet the stream crossing standards. It is a town safety issue because if that culvert collapse after you got 2 buildings up there with 150-200 people living there and now there is no fire safety access, they're trapped up there with their cars and they have to walk in and out, that would be a disaster. Lori Cahill states that once it collapses it would be a wetland issue too. Mr. Dave Sutherland states that it is required to meet the stream crossing standards, and his vote is no, the best possibility to be able to move forward with this is to prove that the existing structure is sound and has a reasonable lifetime. Lori Cahill states that there should be a third party to look over it by the Town of Dracut. Mr. John Syreck states that he also agrees on having a third party look at the culvert. Mrs. Maureen Herald requests a two-week continuance.

Mr. Rob Sheppard asked Mr. O'Hara about sheet 3, page 12 on the plans regarding the rain garden because the outlets are facing downhill with the pipe inlet at EL. 136.00 shown as the same elevation as the rain garden mulch. The concern is that the untreated sheet flow from the rain garden will travel downhill and into the wetland. The outflow may reach the stream eventually. Mrs. Maureen Herald states that the wetland and rain garden are out of reach, about 60 feet away. Mr. Rob Sheppard states that Mr. O'Hara should get a third-party review on the rain garden. Mr. Sheppard also asked about the sag curve and what is happening with the drainage situation there. Mr. O'Hara states that it is a sidewalk. Mr. Sheppard also discussed whether the rain garden needed a mounding analysis; Mr. O'Hara agreed to performing the mounding analysis.

Mr. Sutherland asked anyone from the audience to come forward the board. Mrs. Barbara Daigle, 259 Sladen Street, Dracut speaks about the project. She mentions that she sent pictures through email for the conservation board. She states three concerns, one being the safety for animals and wildlife. She sees

deer, foxes, frogs, and other animals that live near the stream of the conservation land. Two, being the salt from plowing and how much damage that will do to the stream, conservation land, and the grass. Lastly, Mark O'Hara and other's being on her property to look at the culvert, and she had to call the police once already. Mrs. Barbara Daigle has told Mr. O'Hara and Mr. Skinsacos that she has no plans to allow construction on the culvert which part of it is on her property.

Mr. Frank Antifonario from 55 Lee Road came up and stated a general comment that he appreciates the diligence of the board members and that the plan is well conceived, and the developer's attitude is to create an excellent property development.

Mr. Spiro requested a continuance for a month until February 15<sup>th</sup> Conservation meeting.

Mr. Arthur Taylor motioned to continue the hearing until February 15<sup>th</sup> meeting. Seconded by Mr. Rob Sheppard. Motion passed unanimously.

**Public Hearing: Notice of Intent: 341 Broadway Rd. DEP#145-1185:**

On behalf of the applicant, Mr. Kenneth Lania requested for a continuance, Mr. Arthur Taylor motioned for a continuance, seconded by Mr. Rob Sheppard. Motion passed unanimously.

**New Business:** None.

**Old Business:** Status updates –

Long pond and Long Drive.

56 Lakeshore has received an enforcement order, which the board members need to sign.

Bartlett Court has dump truck and getting rid of all the dirty fill.

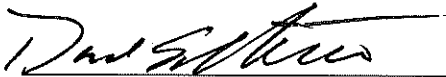
The election for CPC representative will be Mr. Rob Sheppard, Mr. Arthur Taylor made a motion for

Mr. Rob Sheppard to be on the CPC, Mr. Jack Syrczek seconded the motion. Motion passed unanimously.

**Informal Discussion:** None

**Adjourn:** Mr. Jack Syrczek made a motion to adjourn, Mr. Arthur Taylor seconded the motion. Motion passed unanimously. Meeting adjourned at 8:31pm.

**Next Meeting:** January 18, 2023 – 7:00pm



Dave Sutherland, Chairman



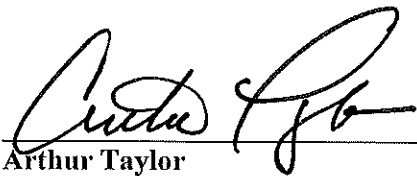
Robert Sheppard

Absent

David Martin

Absent

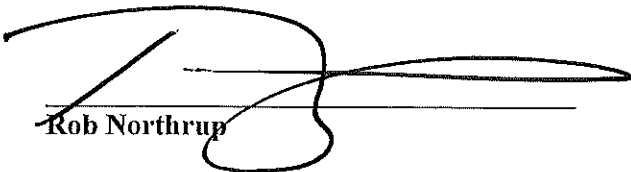
John Jackson



Arthur Taylor



John Svreck



Rob Northrup