

Dracut Conservation Commission
Minutes of January 18, 2023 – 7:00pm
Douglas G. Willett, Board of Selectmen Chambers

RECEIVED
TOWN CLERK'S OFFICE
MAY FEB -1 AM 9:24
TOWN CLERK
DRACUT, MA

Commissioners Present: Dave Sutherland, David Martin, Arthur Taylor, John Svrcek, Conservation Agent Lori Cahill and Jessica Arseneaux, Recording Secretary

Commissioners Absent: Rob Sheppard, John Jackson

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

Community Input: None

Approval of Minutes: 1/4/23 minutes were tabled until the next meeting.

Correspondence:

Soil lab results 7 Bartlett Court.

Dumpsters were removed at Bartlett Court.

DEP Comments: None

Public Hearing: RDA: 80 Broadway Road:

Mr. Mark Hamel, Town of Dracut engineer states that the town wants to create a multi-year plan for repairs, improvements and maintenance including existing sidewalks, existing walkways, rehabilitation or relocation of existing benches, repair and replacement of railing and decking on pedestrian bridge, repair of chain link fencing, tree replacement or removal, installation of outdoor fitness court and milling, resurfacing of existing parking areas at Veterans Memorial Park. Mr. Hamel states that it is a three-year plan. Lori Cahill states that the walkways are a safety issue, and a few of the granite benches are leaning in some areas and need to be relocated.

Motion to issue a negative two made by Mr. Taylor, seconded by Mr. Northrup. Motion passed unanimously. Motion to close the hearing made by Mr. Taylor, seconded by Mr. Martin. Motion passed unanimously.

Public Hearing: RDA: 833 Hildreth Street:

Mr. Lee Casta, Project Manager for Weston & Sampson states that the Town of Dracut wants to install monitoring wells, exploratory borings, test pits for planning and design purposes. Seven monitoring wells at the outer edge of wetlands, will be advanced to shallow depths and installed by hand.

Mr. Casta states that Mrs. Alison Manugian, the community development director reached out to him to start the process of capping and closing the old town dump. Mr. Casta states that the site consists of two solid waste areas, started taking in waste in the 1940's until the 1970's early 80's which is when the process had stopped. He states that the site was never permanently closed or capped under the solid waste regulations. He mentions that back in the mid 90's they did initial investigations into the land fill looking at the limit space, they also put in wells and evaluated ground water surface, surface water and land fill gas at those well points. The results of that investigation were submitted to DEP and a phase two site assessment, and the recommendations were to evaluate the options of closure, as well as continuing to monitor ground water, surface water and land fill gas from the well network.

Unfortunately, that was never completed, and the site fell out of compliance with a solid waste regulations. Mr. Casta states that Mrs. Manugian wants to reach into the process and reach out to DEP and bring the site back to its compliance based on the age of the data. From the mid 90's was the last time any sampling has went on, so the first step in the closure process is to get a new base line reading on how things are looking at the site and to do that Mr. Casta and his team would need a round of gas, surface water, and ground sampling. DEP's response back was that the requirements would have to be amongst the above sampling.

Then, they can begin the process as well as additional wells and test pits at the property. The site is bordered with vegetated wetlands, which the site needs a well driller to get the well pipes in the ground below 50 feet. The site needs some removal of trees for the entrance way. Mr. Taylor asks when they do remove the trees are they ripping out the roots. Mr. Casta assured him that he can leave the stumps in.

Motion to issue a negative two as well as a negative 5 made by Mr. Arthur Taylor, seconded by Mr. Dave Martin. Motion passed unanimously. Motion to close the hearing made by Mr. Arthur Taylor, seconded by Mr. John Syrcek. Motion passed unanimously.

Public Hearing: Notice of Intent: 1250 Lakeview Avenue DEP#145-1188:

Mr. Dave Sutherland announces that this hearing needs to be removed from being tabled, Mr. Dave martin made a motion to take it off the table, seconded by Mr. Arthur Taylor. Motion passed unanimously.

Mr. Ken Lania, Cornerstone Land Associates, states that the applicant wants to repair and repave existing driveway areas and to install new fencing at 1250 lakeview Ave. Mr. Lania states that the existing parking area is to the South of the structure which includes a garage, with a concrete area which is between the garage and existing cleaners building and the area is broken up significantly. The property falls within the 100-foot repairing zone to Beaver brook. The total pavement area that Mr. Ken Lania is proposing to reclaim, repair and replace is 4,910 sq. feet. The fence will be put in on the property line, but not on the Beaver Brook side. For right now the owner has poles and string to separate his property and the parking area from the Cleaner's building.

Mr. Arthur Taylor asks if while taking the concrete out to replace, will the work be done by grinding it up or jacking it. Mr. Lania assures Mr. Taylor that the plan is to jack it up, remove it completely and do a fine regrade of base material and put the new pavement down on what was existing of pavement in the first place. No additional pavement.

Mr. Rob Northrup asks Mr. Lania if he is removing all concrete, Mr. Lania assures the board that he is replacing only what was originally there. Lori Cahill states that she is making the assumption that this pavement repair will start in the spring. Mr. Lania confirms that they will begin in the spring.

Motion to close the hearing made by Mr. Arthur Taylor, seconded by Mr. Rob Northrup. Motion passed unanimously.

Mr. Dave Martin is concerned with the drainage, he states that if a truck were to park on the pavement and the diesel gas pours out, roughly 36 gallons, it would go straight into the river, Beaver Brook. Mr. Lania states that he can put in a field grade sump to prevent that.

Lori Cahill states that Mr. Lania would need to follow up with the Dracut Storm Water and to talk to Tina about the drainage concerns. Mr. Lania would possibly need to purchase a storm water permit.

Mr. Dave Sutherland states to condition with stormwater approval recommending a cap and removing all soils on a daily basis so nothing is stored on the site. Motion to order the conditions made by Mr. Arthur Taylor, seconded by Mr. Dave Martin. Motion carried.

Public Hearing: Notice of Intent: 56 Lakeshore DEP#145-1184:

Mrs. Maureen Herald, Norse Environment states that the applicant wants to repair/ replace/ install retaining walls, stairs, walkways, patios, deck, dock, landscaping, and beach area. In addition, proposing rip-rap stone, repair concrete boat ramp, replace existing gravel area with paver blocks, raze/ replace shed, grading and associated utilities within the 100 ft buffer zone. Mrs. Herald states that the reason why this project was tabled was because she was waiting on DEP comments.

Mrs. Herald states that she submitted to DEP requesting to amend the Notice of Intent to designate part of this project as a limited maintenance of beaches and boat launching ramp in addition to that, she also filed a limited project for the dock. Mrs. herald states that there is already an existing dock on this site. DEP comments said, Notice of Intent work was done on beach but is not shown on the plan, if work was done on beach or a dock was added or replaced, this project is not a buffer zone only project.

Mrs. Herald states that the applicant George Machado did add sand to the beach area and also between the retaining walls. The Notice of Intent form has been updated to quantify the impact of the resource areas. The resourced areas on the site include bank to Long Pond, bordering land subject to flooding or the 100 year flood plane as well. The Notice of Intent has been updated from page 3-9 which notes the disturbance on bank would be temporarily, and it would be 4 feet from the dock. It is a seasonal dock. The dock would be essentially the post for the dock. The dock itself, the post will sit on the bottom of the pond, approximately 3.28 sq. feet. The bordering land is subject to flooding which is 25 sq. feet for the riffraff.

There is an 18 inch medal pipe drain that discharges to the South, the existing boat ramp that's on the property is an eroding area, the applicant wants to be able to put some riffraff by that area to stabilize it and prevent any type of erosion.

Mrs. Herald states that if the board grants her an Order of Conditions, she will be filing a Ch.9 License permit for the dock.

Mrs. Karen Machado comes up to the stand and states that she has pictures to show the board members of the retaining wall before and after they started fixing them. Mrs. Machado states that the retaining walls are moving forward, they're cracked and they could possibly collapse, which would be a safety issue since there are several levels of the property with retaining walls. The boat ramp is cracked as well caused by a pipe that was coming out that leads from the sewer pipe and it was improperly placed and was washing away the sand underneath the boat ramp. Mrs. Machado also states that there is another retaining wall above the beach which is corroding and she states that she wants to fix that so it wont corrode into the pond. Mrs. Machado states that the original foundation is still there and present. The board members look over the pictures of the property, and Mrs. Machado explained what the pictures were so the board members could understand them.

Mr. Sutherland asked Mrs. Machado the height of the existing walls. Mrs. Machado states that the retaining walls are all 4 foot, besides the one underneath the deck which is 5 feet.

Mr. Martin asked Mrs. Herald if the waterfront area had any damage. Mrs. Herald states there is no damage.

Mr. Taylor asked Mr. Machado how he is going to repair the concrete driveway and boat ramp. Mr. Machado states that he will be doing a skim coat on top of the concrete that is existing already so it can be more stable since it is bumpy from all the cracks.

Motion to close the hearing by Mr. Taylor, seconded by Mr. Svrcek. Motion passed unanimously. Mr. Taylor made a motion to issue an Order of Conditions, seconded by Mr. Northrup, with conditions, leave hay bales in until driveway is done at the top, everything be removed with construction and hand dig riffraff. Motion passed unanimously.

Public Hearing: Notice of Intent: Continuance: 341 Broadway Road DEP#145-1176:

Mr. Ken Lania states that he wants another continuance as well as scheduling a site visit. Mr. Dave Sutherland states that Mr. Lania must get a storm water review and National Heritage report before he comes back in front of the board. Mr. Sutherland states that the conservation board will absolutely not accept a ten-year-old report. Mr. Lania must come back with an updated, current stormwater review and a current National Heritage report. Mr. Sutherland states that this file has not been complete since he has filed it in August 2022.

Motion to continue the hearing by Mr. Arthur Taylor, seconded by Mr. Rob Northrup.
Motion failed three to two.

Motion to continue the hearing has failed. Mr. John Svrcek, Mr. Dave Martin and Mr. Dave Sutherland all went against. Motion failed.

Mr. Lania now asks the board why they cannot continue it. Mr. Dave Sutherland once again explains why. The reason being is because Mr. Lania does not have the storm water review nor the National Heritage report, it's an incomplete filing.

Mr. Dave Martin states that the board is looking for a complete application. The board does not want to hear about this plan again until Mr. Lania has everything they need to move forward.
Mr. Ken Lania requests once again for a continuance, and to make sure he gets what he needs for the board.

Lori Cahill states that it can be continued until Mr. Lania has absolutely everything the board needs, and that the board will pick and schedule the next meeting Mr. Lania can be present.

Mr. Martin states that he would like to make a motion to reconsider the boards last vote to not continue, and that the board has all the documentation reviewed by Lori Cahill and reviewed by Mr. Sutherland so everyone can have all the information the board needs, then plan to schedule what meeting Mr. Lania can come back to with storm water input and National Heritage.

Motion to reconsider made by Mr. Martin, seconded by Mr. Taylor. Motion passed unanimously. Mr. Martin makes a new motion to continue this hearing for another meeting when Mr. Lania is ready for evaluation, a site visit and when Mr. Lania has everything the board needs to move forward. Mr. John Svrcek seconded that motion. Motion passed unanimously.

Request of Certificate of Compliance: 18 Natures Way DEP#145-1138:

Lori Cahill recommends approval. Mr. Dave Martin issued a motion to certificate of compliance, seconded by John Svrcek. Motion passed unanimously.

New Business: None

Old Business: None

Informal Discussion: Pool issue- Lori Cahill states that she will be sending out an enforcement order.

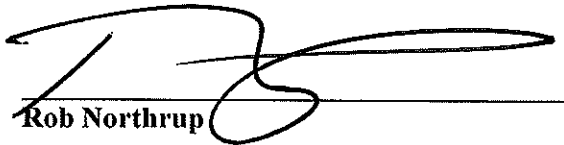
Adjourn: Mr. Jack Syreck made a motion to adjourn, Mr. Arthur Taylor seconded the motion. Motion passed unanimously. Meeting adjourned at 8:40pm.

Next Meeting: February 1, 2023 – 7:00pm


Dave Sutherland, Chairman

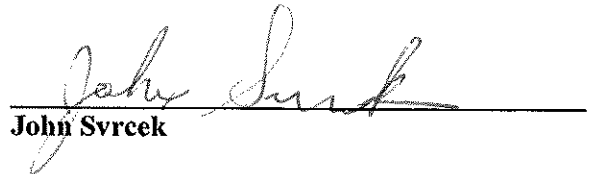

David Martin

- absent -
Arthur Taylor


Rob Northrup

Absent
Robert Sheppard

Absent
John Jackson


John Svreck