



OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
mailto:concom@dunstable-ma.gov

Conservation Commission Minutes **December 14, 2009**

Meeting was called to order at 7:30pm by Chair, Leah Basbanes
Members present: Juan Amodei, Marilyn Pike, Alan Chaney and Bill Moeller
Members absent: Judy Larter and Jeff Haight
Meeting held: At the Dunstable Town Hall, lower level

Sweets Pond - Dave Sweet/Steve Eriksen (Norse Environmental Services)

Mr. Sweet attended the meeting at the request of the Conservation Commission. The Commission had issued Mr. Sweet an enforcement order after discovering a wetland issue on his property stemming from a complaint the EPA had received from an anonymous caller. A pond on the property had been drained; material had been dredged and stacked on the banks. Mr. Sweet attended the November 23rd meeting and was advised to hire a wetland consultant to assess the damage and report back to the Commission at the December 14th meeting. Mr. Sweet hired Steve Eriksen from Norse Environmental Services. Mr. Eriksen handed out the following to Commission members: pictures of the area, Chapter 12 of the MACC regulations (agricultural exemption), affidavits stating Mr. Sweet sells livestock and Mr. Sweet's business certificate. Mr. Eriksen told the Commission that Mr. Sweet falls under an agricultural exemption since the pond is used as a watering pond for Mr. Sweet's animals. The Commission reminded Mr. Eriksen that what they were looking for was his assessment of the resource areas. Mr. Eriksen said that the only area he believes was affected by the operation was the land under a water body. He went on to say that the banks of the pond are now stabilized. Leah told Mr. Eriksen that she found it difficult to believe that the pond is used for the cows when there are about 5 houses surrounding the pond (meaning that the animals would be walking throughout their yards). Mr. Sweet said that he uses fencing to move the cows around the area. Bill asked Mr. Eriksen if it has been determined what EPA's concerns are regarding the property. Mr. Eriksen said that he has not spoken to anyone at the EPA as of yet. Bill said that he would like something in writing from the EPA regarding their concerns. Leah told Mr. Sweet that even for an agricultural operation, the amount of work that was done (draining the pond, bringing in a bulldozer and scraping the material out of the bottom of the pond) would not fall under routine maintenance. Alan agreed that the dredging operation was done in a poor way. He went on to say that the spoil should not have been stored so close to the pond and the lateness of the season was not only bad environmentally, but meant that it would be a challenge to stabilize the bank. Mr. Eriksen assured the Commission that that he will call the EPA to find out what concerns they have and what Mr. Sweet needs to do to remedy the situation. Bill reminded Mr. Sweet that an agriculture exemption is not a blanket approval for doing what you want, when you want, or how you want. Mr. Eriksen told the Commission that he has already been in touch with Dan Lenthal regarding a farm plan for Mr. Sweet so that this type of incident would not happen again. Mr.



OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
mailto:concom@dunstable-ma.gov

Sweet asked about moving and spreading the spoil. The Commission reminded Mr. Sweet that the EPA instructed him to leave the piles in place until further notice. The Commission advised him not to touch the material until EPA gives their approval. Mr. Eriksen will contact the Commission after he has talked to the EPA.

Attorney June Johnson – Conservation Restriction David Hardman property

Attorney June Johnson came before the Commission requesting endorsement of a Conservation Restriction for 14 acres of David Hardman's property on Main Street. Attorney Johnson told the Commission that the state has approved the restriction's language, and the DRLT supports the restriction. No development will be permitted on the property and the CR will protect the water resources and enlarge wildlife corridors. Bill made a motion to make a recommendation to the Selectmen to support the Conservation Restriction of the David Hardman property. Marilyn 2nd the motion. – Motion passed with Alan Chaney abstaining from the vote.

Meeting Minutes

Marilyn made a motion to accept the meeting minutes, with correction, from the November 23rd meeting. Bill 2nd the motion. – Motion passed.

Bills

Bill made a motion to sign the one invoice of \$35.56 for office supplies. Marilyn 2nd the motion. – Motion passed.

Sears Conservation Restriction

Attorney Rich Larkin came in front of the Commission requesting endorsement of a Conservation Restriction for the Sears property. Bill made a motion to make a recommendation to the Selectmen to support the Conservation Restriction of the Sears property. Marilyn 2nd the motion. – Motion passed with Alan Chaney abstaining from the vote.

Christmas Tree Sale

The Secretary reported that \$1,140 was made during the two weeks of the Christmas tree sale.

Hardy Street (Carter) Property

Special Town Meeting has been set for Monday, January 25th. Alan met with the Selectmen who gave permission for the Commission to work with Attorney Rich Larkin on the article and finding of uniqueness for the Carter property.

Order of Conditions - Deshler – 55 Lower Dam Way

The Commission wrote and signed the Order of Condition for the Deshler property. Bill made a motion to sign the Order of Conditions. Alan 2nd the motion. – Motion passed.



OFFICE OF THE
CONSERVATION COMMISSION
TOWN HALL, 511 MAIN STREET
DUNSTABLE, MA 01827-1313
(978) 649-4514 FAX (978) 649-8893
mailto:concom@dunstable-ma.gov

Agreement from State – Forestry – Farnsworth Property – Westford Street

Alan told the Commission that the timber cut on the Farnsworth property may not happen this year. He went on to say that he will have the licensed agreement by the next meeting. The timber will be hauled out through the Division of Fisheries & Wildlife property. As part of the agreement, the state would like the Commission to post funds to cover any damages incurred while removing the timber.

Open Space and Recreation Plan

The Secretary handed out copies of the Open Space and Recreation Plan to members. Bill suggested the Commission review the introduction through page 6 for the January 11th meeting.

Bill made a motion to adjourn the meeting at 8:50pm. Alan 2nd the motion. - Motion passed. The next meeting for the Conservation Commission will be held on Monday, December 28th at 7:30pm, downstairs at the Dunstable Town Hall.

Respectfully submitted,

Cheryl A. Mann
Secretary
Dunstable Conservation Commission