

Conservation Commission Minutes 12/13/12

In Attendance: Steve Pryjemski, Carl Scheder, John Bell, Tim Collins, John Lopez

Open Mtg: 7:04pm

Heather Rd: Tony Transiosa, OoC '07-'08 - one of the conditions was to certify a particular vernal pool. Asked to certify, put in OoC, vernal pool actually on abutting property. Conditions 3.7 - asking for relief from condition to get a CoC. Tried talking to abutter and didn't get anywhere with abutter 6-8 times. Atty suggested he didn't get vernal pool certify due to liability.

Carl: Commission went on assumption that the vernal pool was on the property. Why did you agree to the vernal pool?

Tony: The person who certifies vernal pools, told him he couldn't certify an abutters pool. Atty also advised him not to certify the pool due to liability issues.

Steve: Vernal pool is very clearly off the property. Abutter has agreed to certify vernal pool. More of a technicality as to how the intent was written.

Tony: My intent was to certify the pool if it was on my property. I minimized the impact on Heather Lane. Feels being unfairly held to a condition.

John Lopez: Why would it be a liability to you?

Tony: If the abutter goes to sell his property, and has an issue with having a vernal pool on the property Tony is worried about liability.

Carl: State certifies vernal pool. Individuals gather data, and submit it to the state.

Project did have some mitigation done based on the project.

John Lopez: Would you be willing to put no-cut bounds around 100' of the vernal pool?

Tony: There are granite bounds down by the pond.

John Bell: You wouldn't be able to work on project until April?

Carl: Yes, April.

Tony: Has plans to show commission.

Steve: One order of conditions for both properties.

Tony: Moved house to 248', raised the building, wet-land planting. Patio and fireplace allowed to stay in place.

Steve: That was a waiver.

Carl: How did the houses get sold without having a CoC?

Steve: There is nothing in the Mass Law that says that the house has to have a closed CoC. As long as the parties were notified about the properties.

Tony: I'm trying to do the right thing by the Conservation Commission, and as to clean up the building sale.

Steve: Is there monies held back?

Tony: Yes, there's \$1000 held back until the CoC is closed.

Carl: You (Tony), would need to get in writing permission to certify the the vernal pool.

Wetland Scientist did tell come to the conclusion that there are NO wetlands on Tony's property.

Carl: Did the commission know at the time of the OoC, that the vernal pool was off property? Did they know?

Tony: Did a lot of good at Rock Pond, stabilize the bank.

Steve: Not setting a precedent, do off-site mitigation all the time. Steve will look into the old minutes, to find out the what the intent of the request to certify the vernal pool.

Tony: If it adversely

Carl: Does this issue totally about liability? Did you just discover this issue now?

Tony: No, Was on the back burner, I'd like to get it done now.

Harry LaCortigulia: Is this the last thing before the CoC?

Tony: Wants to do the right thing.

Carl: Pull the minutes and then make a decision. Home owners just want it closed out.

Steve: Put on agenda for the next mtg, Jan 17, 2013.

Carl: Find out whether a typo or intent.

7:35pm

CR for Wheeler Brook:

Vanessa Johnson w/ Essex County Greenbelt working with the Morehouse Family on this project.

Conservation Restriction has been approved at the State level.

Would cover 18 acres (not covering house piece)

Allows for affirmative agriculture, option for putting in a permanent farm stand up to 1000 sq ft.

Nothing in the state permit super cedes the town regulations.
Can expand agriculture up to the road (pastures currently).
Any future landowner, would require to get a new permit.
To get a riparian permit to make sure there are a adequate buffers
Morehouse Farm applied for and received an agrarian tax credit.
The owner is the trust.

Carl: If there's an issue, who do I go to?

Vanessa: Conservation is tied to the land. If sold, the trust disappears.

Steve: The restriction would go with the land to the new owner.

Carl: The language is quite tight, quite a few restrictions as to vehicles.
Section 2.A

Vanessa: Section 2A takes everything away, Section 2B gives back rights,
like tractors.

Hoop houses, additional barns can be put up, but still needs to go through
the normal permitting process.

Harry: Can they put up additional residential structures?

Vanessa: No, additional residential structures can be put up.

John Lopez: Would seasonal workers in a temporary structure, or a

Vanessa: No, not permitted.

Harry: Any and all subdivisions?

Vanessa: prohibited.

Morehouses have agreed to a CR of \$250,000, the town paying \$200,000,
and the greenbelt will pay \$50,000. Market value without a restriction was
\$485,000. With the agricultural restrictions the value would be \$85,000.

Appeals to the broader public, it stays an asset to the community. Stays on the taxes. 61 is the lowest it can be, the property is already it's as low as it can be.

\$4000 is the tax rate right now, after the 61

Properties near conservation land, the property value will go up.

Carl: Conservation land is a marketing tool. The board is aware that this is an asset.

Harry: Town would maintain the ability as a first right of refusal, to change the use. It would be very difficult to after a CR after the removal of a 61.

Were there originally 61s after the removal of the restriction?

Separate piece for the house, can be sold to anyone, the Morehouses hope that they would sell the whole section together.

Steve: Hopes to get the Commissions support for the project.

Vanessa: Without the restriction, about 4 houses can be built.

John Bell: I'm okay with it. (the restriction)

Carl: What mechanisms would you employ to raise funds?

Steve: I'd apply for a land-grant. 60% of 200,000.

Vanessa: I would be writing grants as soon as this is approved. Will see the project through to the end. Stewardship capability. ? culpability

Carl: Want inspection conditions language put in to the document.

Vanessa: They are to be included in the carrying out the CR. We sign agreement with the town, to include the annual monitoring all about clear

and open lines with the landowner over time. Make sure they understand the conservation restrictions.

Carl: In my experience people don't always do what they are suppose to. You need to win the hearts and minds of the people who own the land. Is there any way possible to get the CR nullified?

Vanessa: Property can be taken my imminent domain. Only way she knows, doesn't believe it has happened yet.

Steve: We can buy the farm in a couple years at a reduced rate.

Harry: Is there an organic restriction on fertilizer?

Vanessa: No, very hard to enforce.

Carl: Would it be fruitful to put the language in?

Vanessa: Nothing can be put in that was to be severely toxic to the wetlands. High level of scrutiny, that was preserve the conservation values. Under the CR they have to do what they need to do, but still have to get permits.

Harry: Not open to the public in any way.

Carl: Look at but don't touch.

Vanessa: Community asset as a privately held property.

John Lopez: Make a motion to approve proceedings to date and forward the recommendation to appropriate boards to approve to the next stage.

Vanessa: Always a challenge to approve. Driftway makes sense to have a Public park. This has been a farm, and it makes sense to keep it as a farm. Try to make the language a flexible as possible. Make sure the conservation language is as broad as possible.

Motion carries unanimously. - John Lopez, Carl Shrader, John Bell, Tim Collins.

Open NOI for Hardy Terrace: Green cards came in after last meeting.

John Bell makes a motion to move forward not approving the line, John L seconds.

Unanimously carries. Closes NOI on 5 Hardy Terrace.

8:22 Jewett St Culvert - New NOI

Brian Sullivan Bayside Engineering representing the town to replace the culvert.

7 culverts total.

Culverts to be replaced before they collapse or get clogged up.

Jewett St has 12" plastic, downstream end 18" corrugated steel, adjacent to 148 Jewett St.

Carl: Any box culverts?

Steve: Wildlife critters.

Brian didn't evaluate for a Box culvert due to size and length. extends 80-100' on downstream end, length, and low-lighting will inhibit critter movement.

Recommend replace in kind. Metal portion, is crushed on the 18" downstream end, slightly. May even have a stone portion under roadway.

Recommends replacing with plastic (HDP) 12"-currently corrugated upstream and 18" downstream.

Harry: Had a problem with clogging and beaver activity. DPW, clean out with a roto-rooter.

John Lopez: Notes that this is an intermittent stream, beavers are not active on intermittent streams.

Harry: This is a permanent stream.

Worried about invert elevation. How do you replicate what the old 18" pipe elevation?

Brian: Keep it where it is today, you can't predict where it was.

Carl: We don't know why we have more water.

Harry: We're going to lock it down as it is today.

Brian: Same line and grade, one day job. DPW can do an elevation before they do it.

Steve: Before any OoC is done, he can go out and shoot it.

John Lopez: Can have an engineer go out and do data evaluations, and write report and stamped.

John Bell: At this point is like for like, verify elevations at in-flow and out-flow before starting.

Harry: Entrance side has risen a great deal and abutters have regular septic systems issues.

Carl: Do to development or beavers, or both?

Harry: First time was right after Hickory lane went in. Figure out flow you need to maintain for the size of the culvert. May want to consider a 18" for the entire length at the same elevation.

Steve: Historically probably a 12" the whole way.

Brian: Grading down stream pretty steep. Has the FEMA study, may have the

Carl: Try to look at where we are today, and not do any damage upstream or downstream.

Brian: Standard condition that the ends are shot before and after to make that they are the same.

Tim makes motion that we replace like for like with the ends shot before and after the project. Lock down what we have for elevations and replicate.

John Lopez seconds.

Work not to be done during the high water and flow. Have an as-built done for future conditions.

Carries unanimously.

Motion closed.

Jackman street Culvert Replacement

Brian Sullivan engineer, Bayside Engineering

Culvert downstream from Jewett St

36" corroded corrugated pipe, collapsing, replace with a box culvert with wing walls as necessary. Current wing walls need to be replaced b/c they are collapsing. Full box suggested as opposed to a 3 sided box. Once put into place it can be used immediately. 5.5' cover over it, will need to have a big hole to excavate. Larger project.

Significant improvement b/c natural stream bed. Sized based on the maximum flow.

Steve: 60' length culvert.

John Lopez: attachment 3 - Item 3. Don't see a plant list.

Steve: Put in rocks, seed mix, put in native/non-hybridized plants, work it out in the field.

John: Fine with that, like to see more detail in the future.

Tim: Wing walls rock w/ concrete, collapsing.

Pipe is perforated at the water line. 36" pipe currently.

Abutter is concerned about wing walls, length of closure, and length between headwalls and how the slope will be stabilized.

Brian said Peter Durkee could do it in stages, will make sure ???

In a flood zone, but not in an endangered habitat.

Similar conditions, work w/ Peter to figure out natives, work done doing low-flow.

John Lopez makes motion: To culvert replacement, low-flow, non-hybridized, native planting plan submitted and approved by agent, elevations are not to change, and have an as built.

John Bell seconds.

Steve: Suggests making a motion to pay the CPC bills.

John Lopez: Makes motion to pay the approved CPC bills as read by the Conservation Agent.

Unanimously voted.

9:16pm Multi-town wide Culvert Replacement (lost quorum)

9:21 Reconvened. Brian Sullivan Bay-side Engineering. (Anything over 18" culvert needs to be a separate NOI.) These are all 12"

Locations #1 & 2 on Elm St. closest to intersection w/ Central St., next one is 100-200' from that one. One is a corrugated pipe the second one is corrugated pipe on one end and concrete on the other.

One is crushed, one is filled-in. Intermittent streams. Nat'l Heritage is all set.

Both very shallow, less than 1' of cover. Residential areas, come up to road, not very large area. Replace in kind w/ HDP (plastic).

Carl: Which way does water flow?

Brian: Water flows from east to west.

Nelson Street: Very hard to find corrugated pipe adjacent to #24, drains SE side to the NW side. 1-1.5' deep drains one side to the other so water can get to the wetland.

Locations 4 & 5 - National Heritage site on North Street, very shallow, can be done very quickly, probably in one day. If Blanding Turtles present, the Highway Dept. won't do work during nesting time.

John Lopez: erosion on shoulder.

Brian result of downstream ...?

2 abutters present - George Tollman 389 North St. bought lot 1958, lot at 373 North St, put in around 1985 to Humphrey Hale, OoC was suppose to put in a swale, work has never been completed. Has been sold twice since then. Water flows in front of his home, and erosion has clogged the pipe on multiple times. He has cleaned it himself, he feels it needs riprap or a headwall. Culvert is currently right to the edge of the road, can possibly make it longer so it doesn't have a build up of erosion.

No flood zones in any of the areas, just estimated heritage site.

DEP, if you raise the banks you would just have to note that.

146 Elm St - Charlie Miller

Culvert 4' down from the edge of the road. Takes gutter drainage down from the road to the ditch to the culvert, w/ 1' of field stone. Does it need a flare and a headwall on the culvert?

Steve: Would it work to extend the pipe another 4'? Makes sense to get off the road, to prevent the cars from ending up in the ditch.

Charlie's worried that the steep sides will need to have a guardrail. - Extend 4'.

Motion: John Lopez makes a motion to approve the work on the 5 culverts, w/ the applicant timing will be worked out with the National Heritage issues, applicant will address residents concerns, all pipes placed as they are.

Steve: We don't have an engineered plan on any culverts in town. Leave it more open-ended. Put it in a memo. Documentation long-term.

John Bell: Amend motion to memo with roughly 2 shots and pics to document conditions post installation.

Unanimously carries. Tim makes motion to close.

9:55pm 1 Dummer Avenue Michael Sylvester

Steve: No motion or comments from the DEP. Steve thinks it has been in the best place possible.

Michael Sylvester: Wm Holt, engineer. In failure now.

John Lopez: Cont'd to Jan 17th, @ 7pm pending green cards and DEP #.

Tim seconded.

Carl: We can deal with this if it is an emergency, and then we can do the paper work.

Pentucket Pond Aquatic Mgmt:

Steve: Adjusting pond level to kill the fanwort. Every group wants to tell the ConCom how much to lower level.

John Lopez: Dropping the water level around the pond has lowered the aquifer and has affected the wells.

Steve: recommends to continue to March 21, 2013.

John Bell makes motion, Tim seconds.

Motion carries unanimously

186 East Main Street -

Nothing new, recommends con't to March 21, 2013, 7:15pm. John L. seconds.

47 West Street -11, -12 (remediation and Senior housing project)

Steve: Nothing done regarding this project.

Carl: ???

John B. motion to continue March 21st, 7:35 and 7:36pm.

?Tim seconds.

Unanimously carried.

John Bell Motion to pay the bills.

John Lopez 2nd.

Unanimously carried.

Carl looking for alcohol permitting report. ?From Camp Denison?

Steve has asked twice, but has not gotten anything.

John Lopez makes a motion to close.

Tim 2nds meeting close.

Adjourned @ 10:15pm.

Tim disclosed that he will be plowing for the town this winter.