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Conservation Commission

Minutes

November 9, 2022

Members Present: Lori Mitchener, Chair; Randy Mason, Melissa Campbell; Tomas Sanchez, Vice Chair; Lauren Beshara

Absent: Jim Cheney, Associate Member

Staff Present: Leah Basbanes, Conservation Agent; Jennifer Ryan, Administrative Assistant

Tomas Sanchez, Vice Chair, called the Wednesday, November 9<sup>th</sup>, meeting of the Conservation Commission to order at 6:00 PM, by reading the following statement:

On July 16, 2022, Lt. Governor Polito signed into law the extension of An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until March 31, 2023, of the remote meeting provisions of the March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The new law allows public bodies to continue providing live "adequate, alternative means" of public access, i.e. Zoom, to the deliberations of the public body. The law also authorizes all members of a public body to continue participating in meetings remotely.

In accordance with the Open Meeting Law, the Conservation Commission states for the record that this meeting is being recorded and may be recorded by other individuals or media. The public can listen/view/participate in this meeting while in progress by joining the Zoom meeting as posted on the Town website. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment.

The Zoom meeting ID is 886 9097 8386

Further information and the plans for each agenda item may be found on the Town Website Home » [Boards & Committees](#) » [Conservation Commission](#) » Public Hearings

## **Minutes**

10/11/22 meeting.

Motion made by Randy Mason, seconded by Melissa Campbell, voted 4-0 to approve 10/11/22 minutes with the revision that Ms. Beshara submitted Resignation effective at the conclusion of the December 14, 2022 meeting.

**Emergency Certification Form** flooding of the Scug River due to beaver dam, septic encroachment. Leah Basbanes described the details on the Emergency Permit that was issued and Lori Mitchener signed off on with regard to the flooding issue that's being created by beavers. Board of Health was involved and issued their permit and Ms. Mitchener signed off on one on behalf of the Conservation Commission. DPW breached the dam on Wednesday, November 9<sup>th</sup> and everyone is aware that this is going to be an ongoing issue. Ms. Basbanes recommends a Motion to Ratify the Emergency Certification.

Motion made by Randy Mason to ratify the Emergency Certification regarding beaver activity at 243 Central Street, seconded by Melissa Campbell; voted 4-0 to approve the Motion.

## **Certificate of Compliance**

**16 Winter Street** (245-1702) septic system. Ms. Basbanes explained that she had visited the site approximately 7 weeks ago because there was some concern with the Board of Health thinking the septic was too close to the Wetlands. Leah thought there was a misreading of the plan because it was where it was supposed to be which was more than 60' away from the Wetlands. Erosion control was also in place. Ms. Basbanes thought everything looked good, an As-built and letter were submitted showing substantial compliance, the site is stable and Ms. Basbanes recommended a Certificate of Compliance be issued.

Motion made by Randy Mason, seconded by Melissa Campbell; voted 4-0 to approve the Certificate of Compliance.

**15B Shore Road** (245-1701) septic system. An As-built and letter were submitted showing substantial compliance, the site is stable and Ms. Basbanes described the septic as being 85' away from the wetlands and it is located in front of the house. Leah recommended a Certificate of Compliance be issued.

Motion made by Melissa Campbell, seconded by Randy Mason; voted 4-0 to approve the Certificate of Compliance.

51 Old Andover Road (245-1627) single family dwelling and septic. Ms. Basbanes mentioned she did visit this site when they were laying down the sod. She also made note that they do have a post and rail fence along the 12' no disturb zone and the site is stabilized. An As-built and letter were submitted showing substantial compliance, the site is stable and Ms. Basbanes recommended a Certificate of Compliance be issued.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to approve the Certificate of Compliance.

### **Public Hearings**

221 Haverhill Street (245-1727) proposed addition to existing garage and proposed in-ground pool. Luke Roy LJR Engineering was present on behalf of the applicant. Mr. Roy spoke with his client and expressed some of the concerns and input the Commission had at the last meeting. It was decided the pool would be eliminated but they would like to proceed with the additions to the existing garage structure (outdoor kitchen area along with storage on the rear side of the garage). Mr. Roy went on express his concerns that back in 2013 there was a Notice of Intent filed and an Order of Conditions issued with regard to the driveway being proposed as a porous paver driveway. Ms. Basbanes said she would review the file, but that was in the past, with a different Board. Further discussion was had with regards to the pool being removed and what the new numbers would be which would depend on whether the driveway was considered 50% impervious or more than 50% pervious. Concerns were expressed from Mr. Roy that his client's perspective is that this was addressed and the Certificate of Compliance was issued. The Board was in agreement that the applicant has accepted the compromises the Board has made, but has not yet made any of his own. For instance, the area behind the fence at the existing garage where it is compacted and covered with building materials, equipment, etc. Leah Basbanes stated that she would like to see the area in the back be cleaned up and restored with at least some sort of vegetation. Ms. Basbanes questioned Mr. Roy if the applicant was running a business out there, which he should not be. Additionally, that area is providing nothing except a stockpile area for crushed stone, cement mixers and framing. Would they be willing to restore it back to a functional buffer? Mr. Roy agreed that it is an altered state and suggests the owner may be able to improve that area to be more beneficial to the buffer zone. He also explained that he tried to tell the home owner that it should be left to go wild as it's a natural area but he isn't sure they understood. Luke Roy requested a continuance so he can revisit this with the applicant.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to continue the public hearing until December 14, 2022.

25 Southwick Road (245-1731) septic system replacement. Greg Saab was in attendance. This was presented at the last meeting with no concerns for the proposed work but had been continued due to lack of DEP number. No abutters attended meeting.

Motion made by Randy Mason, seconded by Melissa Campbell;  
voted 4-0 to close the public hearing and issue a standard Order of Conditions and 46  
Special Conditions.

**Adjourn**

Randy Mason moved, seconded by Melissa Campbell, and voted 4-0; that the Conservation  
Commission adjourn the meeting at 6:50 PM

Approved Melissa A Campbell Dated 12/20/2022