

**Conservation Commission Minutes 2/10/2021
7:00 PM**

Present:

Commission Members: Chairman John Sullivan, Tim Holiner, Amey Moot, Sarah Monaco, Jim McLaughlin, Christy Violin. Absent: David Stapleton

Consultant Agent to the Commission: Janet Bowser

Applicants and Representatives: Ardi Rrapi of Cheney Engineering, Dan McIntyre of McIntyre Engineering, Attorney Ray Lyons, Gil Menna owner 21 Smith St., Town Counsel, Jillian Barger of Anderson Krieger, Lynn Hawkins owner Lot 3, 4 Claybrook Rd., Mark Arnold, Goddard Consulting, Abutters Edward Hyson, Fiona Roman and Judy Ballantine.

Requests for Certificate of Compliance(CoC)

144-772 44 Wilsondale St., Alden-Dunn, Cheney Eng. - Agent Request to Continue

Consultant Agent Janet Bowser made a recommendation to table this Agenda item until after the spring 2021 growing season in order to evaluate the success of the planting plan. Ardi Rrapi of Cheney Engineering questioned the issuance of a partial CoC and review in the spring in case additional planting is needed. Agent Bowser noted there had been a violation involving the creation of an unpermitted wood chip path in the wetlands. Ardi Rrapi said the footpath is used for a dog. He said if there are any issues the Commission wants addressed he can do that. Agent Bowser said the footpath is in the wetland and was never approved. She suggested this item be tabled until spring based on the Snow Delay Policy. Chairman Sullivan questioned if the path was existing or not. The Commission agreed to wait until spring due to outstanding issues that need review. The Request was deferred to the spring to allow for adequate evaluation of the required planting plan.

Conservation Restrictions (CR's)

Municipal Certification Request for CR, 21 Smith St., Gil Menna, Attorney Ray Lyons

Attorney Lyons requested a statutory vote that the CR is in the public interest. The Commission asked about the subdivision reserve rights and building in the outer riparian of Riverfront. Homeowner Gil Menna explained that he wants to retain the rights to development for his heirs. The CR will limit development to retain the value of his property on the Charles River. Gil showed a map of his property. He noted they could build a barn or riding rink in area "B". He said area "C-1" has nothing except the leaching field. He said there is nothing in area "C-2". Gil said the 2004 agreement will not allow development in the back parcel without permission of his neighbor, Kendall. Attorney Lyons said the public benefit would be no development along the Charles River, views of the river and access to Porter Woodlands. Town Counsel Jillian Barger said her concerns have been addressed. The Commission sees a benefit with this CR. Gil will finalize comments with Attorney Barger and he will return to a future meeting of the Commission.

Town Counsel Jillian Barger signed out of the meeting at 7:42 PM.

Blake Property CR Status update, Strawberry Hill St., Dover Land Conservation Trust (DLCT), Attorney Ray Lyons

Attorney Lyons will make some additional revisions and edits and forward to the Commission Office and Town Counsel Jillian Barger. He will return to a future meeting of the Commission.

Discussion/Agent's Report

144-831 Lot 3, 4 Claybrook Rd., Owner Lynn Hawkins, Mark Arnold, Goddard Consulting

Agent Bowser recommended approval of the minor modification request to allow temporary basecoat pavement during the winter and spring season over the location of the required pervious pavers. Since the pavers couldn't be installed this month and with winter frost the temporary basecoat is considered a better way to protect the driveway surface until after the vernal pool season ends. The proposed pervious pavers are still the approved final driveway surface.

The Commission addressed abutter concerns about the temporary pavement. They explained the benefits of pavement vs. gravel to prevent any potential damage during construction. They explained the pavement is designed to tilt away from the property and a drainage trench is installed. The removal process will not cause any damage. It can be cleanly removed. An abutter said she has water pooling in her driveway for the first time in 30 yrs. She asked the Commission to check the trench. The Chair advised Agent Bowser will visit the site. Motion made, seconded and unanimously voted to approve the minor modification request to the Order of Conditions for Lots 3 and 4 for basecoat of asphalt temporarily and to be replaced by pavers.

7 Valley Rd., Potential RDA for soil test.

The Chairman explained the request as 148' from the wetland on a flat piece of land. Soil testing is a 1-day temporary proposal. McIntyre Engineering will file with the Commission for a future proposed septic installation if necessary.

Channing Pond

Jim McLaughlin received an estimate from Mike Callahan of Beaver Solutions in the amount of \$1500. The Conservation Office will work on getting an Army Corp of Engineers contact to determine ownership of the area and also work with the Board of Health for a 10-day permit.

Policy-The Commission discussed a proposed policy recommended by Consultant Agent Janet Bowser for "Grandfathering" under the new Rules and Regulations setback requirements. The Commission adopted the policy listed in her memo dated 2/7/21.

Policy:

"Where a prior existing disturbance exists in the 50 foot "No Disturbance Setback" or a prior existing structure protrudes into the 70 foot "No Structure Setback" or a prior existing disturbance or structure exists within the 100 foot "No Disturbance or Structure Setback" of a Vernal Pool, the Commission may, at its discretion, permit the extension of such non-conforming disturbances or structures into the setback zone. Application of this policy is on a case-by-case basis that will evaluate the type, condition and extent of a property's wetland resource areas and the applicable interests to be protected under the State Wetlands Protection Act and the Dover Wetland Protection Bylaw. "

An applicant filing checklist and a revised Standard Special Conditions to Orders of Conditions will be drafted by Agent Bowser and discussed at a later date.

301 Dedham St.

Consultant Agent Janet Bowser gave an update on 301 Dedham St. in response to a request. She said there are no wetlands within 220' of the property line.

Wilson's Way Equestrian Easement Issues

Amey will attend a Zoom meeting with Courtney Starling, Conservation Office and Town Counsel to discuss Commission questions about ownership and other issues concerning existing bridle trails at Wilson's Way.

Minutes

10/28/20 Minutes

Motion made, seconded and unanimously voted to accept the minutes of 10/28/20 with revisions.

12/9/20 Minutes

Motion made, seconded and unanimously voted to accept the minutes of 12/9/20 with revisions.

Motion made, seconded and unanimously voted to adjourn at 9:53PM.

Documents:

Request for Certificate of Compliance for DEP# 144-772, 44 Wilsondale St. received 1/25/21.

Draft Municipal Certification plan for CR at 21 Smith St. dated January 2021

Channing Pond estimate for Beaver Solutions dated 1/29/21

Consultant Agent Janet Bowser Memo dated 2/7/21.

Draft Minutes dated 12/9/20 and 10/28/20.