

Conservation Commission Meeting Minutes 4/26/2023, 7:30 PM

Meeting Held Remotely and Recorded Via Zoom In Accordance with Mass. State Rules & Policy

Commission Members Attending: John Sullivan, Tim Holiner, Amey Moot, Anna Nagy(7:49), Christy Violin. Absent: Jim McLaughlin, Sarah Monaco

Other Attendees: Consultant Agent Janet Bowser, Lori Hagerty, Conservation Office, Girish Tikhe, 11 Turtle Ln.

Request for Determination of Applicability

Having been duly published the hearing was opened for 11 Turtle Lane to relocate an above ground propane tank further from the Charles River. Present was owner, Girish Tikhe. Agent Bowser visited the site to evaluate existing and proposed site conditions and recommended approval with the 5 conditions listed in her memo dated 4/23/23. The Commission discussed the recommended signage and agreed it was not necessary to require signage. Motion made and seconded to close the hearing. Roll call vote: Amey-Y, John-Y, Tim-Y, Christy-Y. Motion made and seconded to issue a Negative Determination with Agent recommendations except for signage. Roll call vote: Amey-Y, John-Y, Tim-Y, Christy-Y.

Minutes

Minutes - 12/14/22

Discussion-The Planning Board rescinded without prejudice their vote to endorse the ANR Plan for 6 Haven St./25 Haven Ter. ZBA issued a Notice of Decision with a vote to deny. Motion made and seconded to approve the minutes of 12/14/22 with the condition it may be modified with respective boards and as amended. Roll call vote: Amey-Y, John-Y, Tim-Y, Christy-Y.

Anna arrived 7:49 PM

Minutes - 1/11/23

Motion made and seconded to approve the minutes of 1/11/23 as amended. Roll call vote: Amey-Y, Anna-Y, John-Y, Tim-Y, Christy-Y.

Minutes - 1/25/23

Motion made and seconded to approve the minutes of 1/25/23 as amended. Roll call vote: Amey-Y, Anna-Y, John-Y, Tim-Y, Christy-Y.

Minutes 2/8/23, 2/22/23, 3/8/23, 3/22/23 – Agent Bowser said she did not have time to review. The Commission continued above listed draft minutes to the next meeting on 5/10.

Cont. Discussion

Ch. 263 Rules and Regulations for the Dover Wetlands Prot. Bylaw. The Commission reviewed draft changes by Lori and Agent Bowser. The Chair discussed holding a public hearing for the minor changes in May or June and holding another “Phase 2” public hearing for the proposed major changes after more review.

A summary of the minor draft changes:

- Correct buffer zone to 100’ from 150’
- Note DEP abutter form and where to find it on the website
- Correct website to .gov
- Reduce # RDA/NOI paper copy requirement with electronic filing

Per Ch. 181 Bylaw changes:

- Match hearing notification requirements (to depts) to the WPA requirements
- Outside peer review consultant fee revisions per Ch. 181 bylaw revision

A summary of the proposed phase 2 draft changes:

- Change filing fees to revolving acct-Chairman said needs to be reviewed with Selectmen/Town Counsel. Agent will provide documentation from MACC.
- Revisions to Waiver Section
- Revisions to Subdivision/Large Lot section-Tim discussed this as initially being for only subdivisions. The Commission will discuss further at a future meeting.
- Revisions to Tree Filter Zone section - Recommendation that no trees or vegetation could be removed in the 50' No Disturb Setback under the Basal Tree Count section. There was discussion of the Tree Filter Zone section as it is currently written. Tim said the 2 areas of Tree Filter Zone and 50' No Disturb Setback are separate. He said this is the same as when the Commission had a 25' No Disturb Setback. The Chair recommended this needs more discussion and would be added to the Phase 2 hearing.
- Add Rules for hiring outside consultants recommended by MACC-This would also be run by Town Counsel.
- Revise Overriding Public Purpose section

Conservation Agent March Invoice Payment, Budget

Motion made and seconded to allow the use of WPA Funds to cover the Agent's March invoice. Roll call vote: Amey-Y, Anna-Y, John-Y, Tim-Y, Christy-Y.

Work Group Updates/Discussion

The Commission discussed Wylde Woods bridge repair, cameras and signs prohibiting motorized vehicles on Commission lands. Signs.com was discussed and signs were estimated at \$30 each. There was also discussion of the dry conditions and recent brush fires.

Agent's Report

1. Updates on Active Permits, Compliance, Enforcement & Wetland Protection Issues
2. Draft Order of Conditions Minor Modification Criteria and Guidelines - 2nd Review- There was discussion of MACC recommendations and policy of other Towns such as Ashland. The Commission discussed the recording requirement. Agent said some other Towns require recording but the Commission could take that requirement out of the draft. Discussion was continued to the 5/24 meeting.
3. Update on Red Robin 40B Project #144-0880 & Stormwater Infrastructure Installation-Agent discussed Sean Reardon, Tetra Tech email and comments. Paul McGovern may apply for a Minor Modification or Amendment for a new drainage pipe.
4. Update on Status & Follow-up Needed Re: Continuing OOC Violations at:
 - * 6 Sterling Drive - BZ Restoration Monitoring Reports DEP#144-0815-The original NOV sent 2/13/23 was returned today by mail. 2nd letter sent 4/24 with requirement to attend the next meeting on 5/10 to discuss. Failure to appear or comply will result in an EO. Fines may be issued.
 - The Commission said add to future letters "It is the homeowner responsibility to contact consultants for any outstanding work".
 - * 3 Sterling Drive - BZ Restoration Monitoring Reports DEP#144-0873-Agent said monitoring reports were significantly overdue and she recommended sending a letter. Planting was done in Fall 2022. Request owner attendance at the 5/24 meeting.
 - * 4 Haven Terrace - Replication/Restoration OOC Amendment Submittal, #144-0773-Letter revised and sent 4/24 with requirement to submit Amendment and attend the next meeting on 5/10 to discuss. Failure to appear or comply will result in an EO. Fines may be issued.
5. 12 & 14 Miller Hill Road - Update Re: Report of Tree Removal Violations in Buffer Zone-Town Counsel reviewed and recommended the same Notice of Violation letter be sent to all 3 homeowners and request to attend 5/10 meeting.

6. Update on Dead/Hazardous Tree Removals on Conservation Land- Agent will contact DPW Director Kevin McCabe to determine if DPW can assist with tree removals and to schedule a site inspection with Commissioner McLaughlin to review trees to be removed at Springdale Ave. and Valley Farm.

7. Agent will meet with Stephen Bates at the DLCT Blake Property on May 2nd to review culvert conditions and discuss regulatory requirements for repair/replacement and all Commissioners are welcome to attend.

Agent Bowser stated that she's seeing more and more signage throughout Town offering mosquito spraying and control services by private companies if they should be coming to the Conservation Commission for a permit. Tim said Conservation Regs say no pesticide/herbicide use. Agent will contact other Agents and DEP to see how they address this issue. She recommended private companies should be filing an application for a permit.

Meeting Adjourned at 9:30 PM

Documents:

Dover Conservation Commission Minor Modification Policy & approval criteria Draft by Agent J. Bowser 4/10/23, Revised 4/21/23 Previously Discussed by ConCom at 3/8/23 and 4/12/23 Meeting

Recommended Regulatory Amendments by J. Bowser in Red (Drafts circulated to ConCom on 10/23/22, 11/7/22, 4/21/22) Previously Discussed/Reviewed by Commission on: 10/26/22, 11/9/22

Janet Hartke Bowser, Consulting Conservation Agent, Date: April 23, 2023 Re: Regulatory Report & Recommendations for April 26, 2023 Meeting

Invoice – Agent Bowser March Consulting Services \$6,991.25

11 Turtle Ln RDA & sketch 3/28/23

Minutes-12/14/22, 1/11/23, 1/25/23, 2/8/23, 2/22/23, 3/8/23, 3/22/23

Ch. 263 Rules & Regs for Dover WP Bylaw

Agent's Bowser's Comments on Commission's Draft Meeting Minutes of 12/14/22, 1/11/23, 1/25/23

Agent Bowser's email dated 4/19/23 Re: Update on Red Robin 40B Project & Stormwater Infrastructure Installation & Issues

Agent Bowser's email dated 4/26/23 Re: Mosquito Control Issues & Regulatory Requirements