



**TOWN OF SHIRLEY
CONSERVATION COMMISSION**
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CONSERVATION COMMISSION MINUTES OF August 28, 2018

MEMBERS PRESENT: Jennifer McGuinness, Chair; Bob Burkhardt, Vice Chair; Jeff DiNardo, Member; and Marie Elwyn, Member

NOT PRESENT: Mike Lance, Member; E. Heidi Ricci, Associate; and Betsy Colburn, Associate

ALSO PRESENT: Mike Fleming, Conservation Agent; Samantha Thibo, 55 Garrison Road; Mike Lenox, 55 Garrison Road; Shawn Hillman, 44 Horse Pond Road; Mike Turgeon, Jacobs Engineering, 120 St. James Ave., Boston MA

Jen opened the meeting at 7:00 PM. Jen announced that the proceedings would be recorded using a video and audio recorder, and any audience member recording (audio or video) must notify the Chair.

MINUTES FOR REVIEW / APPROVAL: Jen opened discussion.

- The minutes from the August 14, 2018 meeting were previously e-mailed to CC members for review and edits, and handed out to CC member present. **M/S/V** Motion made by Bob and 2nd by Marie to approve the August 14, 2018 as presented with the one edit changing Mike to Steve under the Longley Acres, 5 YR License agreement bullet. Motion passed unanimously. CC members signed minutes.

ACCOUNTS PAYABLE: Jen opened discussion.

- Payroll: Mike Fleming, Conservation Agent: Jen has already reviewed the payroll items below and signed payroll.
 - Week ending 08/18/18 19.0 hours \$ 465.12
 - Week ending 08/25/18 19.0 hours \$ 465.12
 - Bills / Invoices / Reimbursements
 - MACC / Annual e-Handbook subscription \$ 15.00
- Mike F. provided invoice for annual e-handbook subscription. CC members briefly discussed. **M/S/V** Motion made by Bob and 2nd by Marie to approve the CC paying for the MACC / Annual e-Handbook subscription. Motion passed unanimously. CC members signed invoice.

BUDGET: Jen opened discussion.

- N/A

NEW WETLANDS BUSINESS: Jen opened discussion.

7:15 PM - Request for Determination of Applicability / Devarney Court (Lot 10-A-12.09) / Prescott / Single Family House: Mike F. reported on the request. Only the landscaping is within the 100ft buffer zone. The landscaping is at least 75 feet from the wetland. Mike F. read the conditions included in the prepared Determination of Applicability (DOA). CC Members discussed. **M/S/V** Motion by Bob, 2nd by Marie to approve/issue the Determination of Applicability as a Negative #3 with the condition that no landscaping would extend within 75 feet of the wetland. Action Item: Mike F. will place revised DOA for CC member signatures in CC Mailbox. Jen will make a copy and mail.

7:30 PM - Request for Determination of Applicability / 55 Garrison Road / Lot 106-B-1.3) / Lenox / Mitigate Drainage Ditch: Mike Lenox provided CC Members with the history of the drainage issue and reviewed proposed activity to correct what has been done to-date. Mike L. reviewed photos of the area with CC Members. CC members discussed. Bob asked if the culvert under the driveway, if repaired, would solve the problem with the drainage. Mike F. stated that it would not completely solve the problem, but would help. Mike F. presented the prepared DOA and read the conditions. Jen suggested adding that the owner can perpetually maintain the area. **M/S/V** Motion by Marie, 2nd by Bob to approve/issue the Determination of Applicability as a Negative #3 with the conditions read by Mike F. and the additional language about perpetual maintenance suggested by Jen. Action Item: Mike F. will place revised DOA for CC member signatures in CC Mailbox. Jen will make a copy and mail. Mike F. will also provide Mike L. with information on appropriate seed to use.

- OOC #284-0428 / Request for Certificate of Compliance / MBTA Right-of-Way / MBTA: Mike F. reported on the request. Site Inspection was conducted 8/28/2018. All required documentation, including as-built-plans, has been submitted. Mike F. reviewed the prepared Certificate of Compliance. **M/S/V** Motion by Bob, 2nd by Marie to

approve/issue the Certificate of Compliance as presented. Motion passed unanimously. CC members signed the Certificate of Compliance. Action Item: Mike F. will mail (certified / return receipt) the signed Certificate of Compliance.

OLD WETLANDS BUSINESS: Jen opened discussion.

- Bull Run Restaurant / Landscaping / Erosion Control: Mike F. reported that he has not had time to act on requesting the owners of the Bull Run to submit a Request for Determination of Applicability for the landscaping work. Action Item: Mike F. will contact Bryan Sawyer, Manager and request a RDA be submitted for the landscaping work (bark mulch, planting of trees-shrubs-flowers, and rip rap stone).
- Orders of Conditions (OOC #284-0430) / Shawn Hillman / 44 Horse Pond Road / Enforcement Order / Status: Mike F. reported on the site inspection with CC Members (Bob and Jeff) and Mr. Hillman on Saturday, August 18th at 9 AM at 44 Horse Pond Road. Mike F. and CC members observed wetland boundary flagging. Bob provided his observations. Mr. Hillman and Bob discussed the culvert downstream of the small in-stream pond. Mr. Hillman stated the pond was there before the culvert was installed and that the culvert was installed to provide for a suitable place to install the electric fence. Jen stated that the fill and the culvert are the items that need to be remediated. Mike F. provided photos of the site. Bob reminded everyone about the 25 foot no disturb zone in the Shirley Non-zoning Wetlands Bylaws. Jen provided the following suggestions: remove fill and establish the original grade, could create a replication area, and for the culvert file a Notice of Intent (after the fact). The bottom line is that there can be no net loss of wetlands. CC Members discussed. Mr. Hillman stated that he is willing to plant wetland plants beyond the wetland flagged boundary and there is less grass now than there was before the work was completed. Jen stated that it is up to Mr. Hillman to provide the CC with a proposal on how to address the violation. Jen moved that this would be continued to the next CC Meeting. Action Item: Mike F. will send e-mail confirming the site visit.

OTHER CONSERVATION BUSINESS *(not all items listed may be discussed / all items listed may be taken up at any time during the meeting)*: Jen opened discussion.

- Conservation Commission Policies: Activities in Wetland Resource Areas, Associate Conservation Commission Member, Attendance, Hunting, Submission of Requested Data, Vegetated Buffer, and (Minor Projects?): Mike F. e-mailed the various policies to CC Members. Bob discussed with CC Members. CC Members discussed. Jen suggested any action be postponed until the next CC meeting. Action Item: Mike F. will include on the September 11th CC Meeting.
- Vacancies (Conservation Commission): Jen reported on the 2 vacancies.
- Open Space and Recreation Plan Committee
 - Printing / Binding / Posting on CC website: Mike F. reported that he has not had time to post the on the website. Action Item: Mike F. will post on the website as time allows.
- Shirley Trails: Mike F. nothing to report at this time. Mike F. reported that Jeff sent e-mail stating he was unable to attend tonight's meeting.
 - Trails / Signs / Parking
- Longley Acres: Mike F. had nothing to report at this time except changing Mike to Steve in the 5-year license agreement bullet.
 - 1-year License Agreement / John Mitton: Bob asked Mike F. about status. Mike F. reported that he has called twice and left voice message and provided draft copy of agreement to Mr. Mitton.
 - 5-year License Agreement / Steve & Kim Hampson
 - House / Barn Maintenance / Contract & Bids
- Forest Management
 - Pumpkin Brook Link Conservation Area / Turtle Habitat / status: Mike F. reported that he visited the site and took photos. Mike F. passed the photos around for CC Members to review. Mike F. also reported that the majority of the seedlings, stump sprouts, and roots sprouts were browsed by deer.
 - DCR Community Forest Implementation Grant / Post-harvesting Outreach & Education: Mike F. reported that he replaced the words "Extension Grant" with "Post-harvesting Outreach & Education" on this agenda item as Bob had requested.
- Land Acquisition
 - 36 Groton Road / 30+/- ac donation to Shirley CC: Mike F. reported he has been working with Town Council on this donation and received an e-mail today, but has not had a chance to adequately review or report on. Action Item: Mike F. will follow-up with Town Counsel on this matter.
 - Griffin Family Trust and Patrick Warner / Land Donations / signs / dedication event(s): Marie reported that Mr. Warner will attend the September 11th CC Meeting.

- Janet Morrison / Land Protection Consulting / Project and Grant Assistance: Mike F. reported Janet would like to meet with the CC Members at the September 11th CC meeting to discuss a proposal to work on a land protection project. CC Members discussed. Bob suggested the Town is not yet ready to move forward. Marie suggested Janet attend CC Meeting. Action Item: Mike F. will contact Janet and confirm her attending the September 11th CC meeting.
- Land Management
 - Fredonian Nature Center / Project / Funding / ADA Accessibility / Article 97 request: Marie discussed potential Eagle Scout project. CC Members discussed footbridge and other possible projects. CC Members discussed.
 - Conservation Restrictions / Conservation Commission - Grantee / Annual Monitoring Program: Mike F. had nothing to report at this time.
- Town Permits
 - 57 Leominster Road / Lot 1 (10-A-3.2) / Benjamin Builders / Building Permit / OOC #284-0464: Mike F. reported that there is an existing Order of Conditions for this Lot.
 - Catacunemaug Road_Lot 8 (17-A-1.8) / Ernco Development Corp. / Building Permit / NA – comments provided: Mike F. reported that he found this lot to be outside the 100 ft wetland buffer zone, but provided comments on the stormwater crossing the road and maintaining erosion control measures.
- Miscellaneous
 - Fall Town Meeting / October 15th & 16th / Warrant Articles Due September 14th: Mike F. sent e-mail to CC Members regarding the fall Town Meeting.
 - DCR Tree Steward Training: Mike F. sent e-mail regarding the DCR Tree Steward Training.
 - Reminder: Conservation Agent Schedule for the weeks of September 2 – 8 and September 23 – 29: Mime F. reminder CC Members about schedule change. CC Members decided to move the September 25th CC Meeting to the 18th.
- Upcoming / Past Events & Meetings
 - 40th Anniversary of the dedication of Fredonian Park / Event Planning: Marie briefly discussed.

ADJOURNMENT

- **M/S/V** Motion made by Bob, 2nd by Marie to adjourn. Motion passed unanimously. Meeting adjourned at 8:39 PM.


Jennifer McGuinness, Chair

Jeff DiNardo


Robert Burkhardt, Vice Chair


Marie Elwyn

Michael Lance

Vacant

Vacant

Respectfully submitted,
Jennifer McGuinness, Chair

APPROVED BY SHIRLEY CONSERVATION COMMISSION ON 9/18/2018
GIVEN TO SHIRLEY TOWN CLERK ON 9/19/2018

