

**MAYNARD CONSERVATION COMMISSION**  
**Minutes, September 7, 2010, 6:30 – 8:48**

**PRESENT:** Commission Members: Fred King (chairman), John Dwyer (acting chairman during NOI hearing), Peter Keenan, and Doug Moore.

Conservation Agent: Linda Hansen

Visitors: Edward Denn, Tom Herbst, and John Haffey

**ADMINISTRATIVE BUSINESS:**

- Review minutes from 08/03/10 and 08/17/10. A motion was made, seconded, and approved by all present (4-0) to approve the minutes of 8/03/2010 as amended. A motion was made, seconded, and approved by all present (4-0) to approve the minutes of 08/17/2010 as written.

**FINANCIAL:**

- L. Hansen's salary for 08/28 to 09/10 = \$651.48 (27.5hrs). A motion was made, seconded, and approved by all present (4-0) to pay L. Hansen's salary.

**PUBLIC HEARING:**

- Notice of Intent – 7:30  
21 Wood Lane  
J.T. Haffey Builders, representing  
Home addition

Mr. King recused himself due to a conflict of interest with the applicant and Mr. Dwyer assumed the role of chairman. Mr. Haffey presented the project to the Commission. The addition (and most of the house) is within 50 feet no disturb zone. The second floor addition will be built on seven sonotube footings--no foundation walls will be built. The site of the proposed addition is now lawn. The current roof runoff is directed into downspouts and drains toward the wetlands. The Commission discussed potential mitigation for work inside the 50 foot buffer zone, including installing a dry well for roof runoff, and replacing lawn with native plantings. The contractor noted that one large dry well would require excavation equipment on site, although three smaller dry wells (one for each of the downspouts) could be dug in by hand. A site visit was scheduled for Friday, September 10 at 3:30. A motion was made, seconded, and approved by all present (3-0) to continue the hearing until October 5th at 7:00.

**WETLANDS ISSUES:**

- Request for Determination approval, 5 Balcom Lane, Mr. Edward Denn (7:00). Mr. Denn filed a claim from the title insurance and has not heard back yet. Mr. Denn researched the no disturb zone issue, and found a court case decision (Town of Hanson vs. Lindsay) that found an unrecorded restriction is not enforceable. The Commission discussed the difference between the 100 foot buffer zone and the 20 foot no disturb zone agreed to with the contractor. The 20 foot no disturb zone was mitigation for work within 100 feet of the wetlands. The options for placing a shed within the 100 foot buffer zone and completely within the no disturb zone is to 1) move the shed, or 2) put a deed restriction on either the 100 foot buffer zone or the 20 foot no disturb zone. Mr. Denn is not willing to record a deed restriction for the portion of his rear yard within the 100 foot buffer zone nor does he want to move the shed. No decision was reached. A motion was made, seconded, and approved by all present (4-0) with the applicant's permission to continue the hearing until September 21 at 7:00.

**BUSINESS:**

**Discussion:**

- McDonald's restaurant pre-construction site visit and revised construction schedule. The agent conducted a site visit on August 24<sup>th</sup> with the contractor Matt Dickson. The new entrance to McDonald's will not be constructed until the Waltham Street bridge work is completed.

- DPW hired contractor for Walnut Street bridge maintenance work. The activity is considered maintenance and an exempt activity. The schedule of the work is not known.
- DEP issued Drought advisory on August 13, 2010 for DCR's NE and Central regions.
- Review CPC preliminary proposal (due Sept. 8). The agent completed a preliminary proposal similar to the one submitted last year.
- Open Meeting Law changes. New changes that effect the Commission include listing documents in the minutes that were used during the discussion in the hearing process. Another important change affects meetings that are not governed by the Open Meeting Law and executive sessions. A good summary can be found in the July/August 2010 MACC newsletter.
- Mass Envirothon seeks volunteers on May 13. Mass Envirothon is a high school quiz competition.
- Mr. Herbst brought in a photo and logged a complaint with the Conservation Commission.

**Mail of note:**

- ESRI free US nationwide seminar for ArcGIS 10
- Mass Wildlife News

**Meeting adjourned 8:48**