



**TOWN OF MAYNARD  
Conservation Commission**

**Minutes 5/14/2019**

195 Main Street

Maynard, MA 01754

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[www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

**Commission Members Present:** James Bullis (Chair), M. John Dwyer, Laura Mattei, Christopher Butler

**Conservation Administrator:** Kaitlin Young

**Absent:** None

**Others Present:** Sergio Rubino (247 Main Street); Anthony Bernstein (247 Main Street Representative); Richard Salter (10 Mill Street) John Milhaven

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**ADMINISTRATIVE BUSINESS:**

**Meeting called to order at 6:40 PM by Chairman James Bullis**

**Approval of Minutes**

*Mr. Dwyer made a motion to approve the minutes of 4/9/2019, which was seconded by Mr. Dwyer and passed unanimously.*

**PUBLIC HEARING**

**247 Main Street - Notice of Intent**

Sergio Rubino of 14 Mague Avenue, Newton, MA 02465 filed a Notice of Intent pursuant to the MA Wetlands Protection Act and the Maynard Wetland's Administration Bylaw for the proposed driveway expansion, re-vegetation, and site clean-up of 247 Main Street, which is located within the 200 foot Riverfront Area. Mr. Rubino was in attendance with his representative, Tony Bernstein, of 6 Westside Drive, Acton. Ms. Young explained that the Notice of Intent was in response to an enforcement order issued to Mr. Rubino for unpermitted work within the 200 foot Riverfront area. The unpermitted work included the disturbance of soil and vegetation caused by heavy machinery during the removal of a fallen tree.

Mr. Bernstein explained that the proposed work included the expansion of the current dirt parking area, the laying of gravel in the parking lot, the removal of surface debris from within the Riverfront Area, and the planting of vegetation along the area of the parking area. The expansion of the driveway would accommodate the appropriate number of vehicles for the multifamily building. Mr. Dwyer asked if the parking area was degraded. Mr. Bernstein explained that the dirt parking area had been used for years for vehicles, and that the soil in that area was compacted, but the area did not retain water.

Kate Wheeler, of Harrison Avenue, inquired as to the amount of trees and species of trees being planted on site, and urged the applicant to plant native species, which Mr. Bernstein and Mr. Rubino agreed with. Regarding the number of trees, the Commission agreed that between five

and seven trees would be appropriate. As part of the mitigation for the site, Ms. Mattei recommended that the applicant should remove invasive species from within the Riverfront Area. The Commission suggested that the Commission or its agent shall walk the site with the applicant and representative to determine the extent of invasive species, removal techniques, and erosion controls.

Ms. Young recommended that the line of trees demarcate the limit of disturbance on site. Mr. Dwyer said that large rocks or boulders should be installed between the trees to ensure that no machinery or vehicles can further disturb the area. Mr. Bernstein and Mr. Rubino agreed.

*Mr. Dwyer made a motion to issue the Order of Conditions for DEP#213-281 247 Main Street, with conditions, which was seconded by Ms. Mattei and approved unanimously.*

## **DISCUSSION:**

### **10 Mill Street Tree Removal**

Mr. Richard Salter of 10 Mill Street was in attendance to represent the Stonebridge Condominium Association (SCA) regarding an enforcement order. Ms. Young explained that the SCA was given administrative approval for the removal of trees from the bank and riverfront area back in January of 2019. The contractor responsible for the tree removal cut down more trees than approved of, and did not leave the trunks intact. The enforcement order required that the SCA hire a landscaper and/or arborist to create a planting plan for the Commission's approval.

Mr. Salter updated the Commission on the progress of the planting plan and his correspondence with the landscaper. Mr. Salter requested that the Commission and/or its agent meet with the contractor on site to discuss potential plantings. The Commission agreed.

### **DEP #213-257: Request for Certificate of Compliance for 5 Gabrielle Circle**

Ms. Young explained that she had received a Request for Certificate of Compliance for 5 Gabrielle Circle. The Order of Conditions was issued to the entire Taylor Brook subdivision, and therefore contained multiple properties.

Ms. Young explained that the developer did not inform the buyers of the Order of Conditions on the properties, and did not follow through with some of the larger overall improvements to the area required by the Order. Some of these improvements included the removal of debris on land now owned by the Conservation Commission, and invasive species removal and monitoring. Ms. Young said that even though some work was not completed throughout the site, that the Request for Certificate of Compliance was only for 5 Gabrielle Circle, and that the one parcel could not be denied release based on the work that was incomplete on other parcels.

Mr. Butler requested that Ms. Young ask legal counsel if the Certificate of Compliance could be issued for only one parcel if other parcels were not in compliance.

### **Permitting Inquiry for 5 Shore Ave and 7 Shore Ave Garage Construction**

Ms. Young explained to the Commission that she had been approached by the owners of both 5

and 7 Shore Ave regarding the review process for garage construction. Ms. Young explained the performance standards for work within the Riverfront Area. The Commission was unsure how to interpret the maximum allowed disturbance for the riverfront area, and requested that Ms. Young ask the DEP Circuit rider for an interpretation of the law.

**Thomas Street Property #14-57**

Ms. Young explained that the Town was in the process of foreclosing on a parcel on Thomas Street that abuts the Assabet River near downtown. She informed the Commission that the Treasurer had been notified by a previous agent that the Commission would be interested in acquiring the property. After review, the Commission made a motion to acquire the parcel.

*Mr. Dwyer made a motion for the Conservation Commission to acquire parcel #14-57, the Thomas Street Parcel, which was seconded by Ms. Mattei and passed unanimously.*

**Prospective New Commissioner**

John Milhaven was in attendance to express his interest in joining the Conservation Commission. Ms. Young asked the Commission if they would recommend Mr. Milhaven to the Board of Selectmen for his appointment. The Commission agreed to approve of his appointment.

*Mr. Butler made a motion to recommend Mr. John Milhaven for appointment to the Conservation Commission, which was seconded by Mr. Dwyer and passed unanimously.*

**Adjourned** at 8:50 p.m.

*Mr. Bullis made a motion to adjourn, which was seconded by Mr. Butler, and passed unanimously.*

Next meeting scheduled: Tuesday, June 11, 2019 at Town Hall.

**Documents submitted list:**

Notice of Intent for DEP#213-281 247 Main Street  
DEP NOI Review Correspondence #213-281 247 Main Street  
Request for Certificate of Compliance for DEP #213-257 Gabrielle Circle  
Thomas Street Property Overview Report