

Staff Report

Date: April 8, 2020
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **Action Items**

Vote to Approve Electronic Signatures

- Based on communication with the Registry of Deeds in New Bedford, the Commission needs to vote to approve the use of electronic signatures and each document to be recorded needs to reference that vote prior to any documents being signed electronically.
- It is my recommendation that the Conservation Commission vote to approve the use of electronic signatures for the purposes of signing documents.

Vote to Re-Approve Amended Order of Conditions for Torrington Road, Map 29B, Lot 171

- Due to the communication above from the Registry of Deeds, this Amended Order of Conditions needs to be re-approved, adding reference to the vote taken approving electronic signatures.
- It is my recommendation that the Conservation Commission vote to re-approve the Amended Order of Conditions for Torrington Road, Map 29B, Lot 171 with the added information that a vote of the Commission was taken on April 13, 2020 approving the use of electronic signatures.

Vote to Re-Approve Order of Conditions for 6 Emerson Avenue

- Due to the communication above from the Registry of Deeds, this Order of Conditions needs to be re-approved, adding reference to the vote taken approving electronic signatures.
- It is my recommendation that the Conservation Commission vote to re-approve the Order of Conditions for 6 Emerson Avenue with the added information that a vote of the Commission was taken on April 13, 2020 approving the use of electronic signatures.

Staff Report

Date: April 9, 2020

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **185 Ebony Street – Request for Certificate of Compliance – DEP# 023-1254, Fairhaven CON 023-134**

DOCUMENTS REVIEWED

- Request for Certificate of Compliance and associated documents
- Notice of Intent and associated documents
- Order of Conditions dated June 13, 2020
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)

RESOURCE AREAS ON/NEAR SITE

- Salt Marsh
- Buffer Zone
- Land Subject to Coastal Storm Flowage

PERFORMANCE STANDARDS

- **Salt Marsh:** 10.32
(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects of productivity.
(4) A small project within a saltmarsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day may be permitted if such a project complies with all other applicable requirements of [the regulations for coastal wetlands].
- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”

PROJECT SUMMARY

- The Order of Conditions was issued for the demolition of the existing house and the construction of a new single-family house in a VE-14 Flood Zone and the 100-foot buffer zone to Salt Marsh.

COMMENTS

- The Engineer has submitted a letter and an as-built plan. The letter states that they have reviewed the as-constructed conditions of the project for compliance with the Order of Conditions and the associated plans of record. Based on their review, they find the work to be completed in substantial compliance with the Order of Conditions.
- The as-built seems to substantially match the approved plans. Grades were not included on either the approved plans or the as-built, so I have no way of comparing the constructed grades.
- There are no continuing conditions listed under special conditions. All of the special conditions were related to recording, posting of DEP number, contact name and number of project manager, and concrete truck washout.

RECOMMENDATION

- I recommend issuing a Certificate of Compliance for Complete Certification for 185 Ebony Street, SE 023-1254.

Staff Report

Date: April 8, 2020

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **130 Ebony Street – Bylaw Only Notice of Intent – No DEP#, Fairhaven CON 023-133**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- Fairhaven Wetlands Bylaw (Chapter 192)
- Revised site plan dated April 8, 2020

RESOURCE AREAS ON/NEAR SITE

- Isolated Vegetated Wetland (IVW)
- Buffer Zone

PERFORMANCE STANDARDS

- In the absence of regulations associated with the Fairhaven Wetlands Bylaw, the performance standards from the Wetlands Protection Act will be listed here.
- No work is proposed in the IVW
- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

PROJECT SUMMARY

- Demolish the current 700 sq. foot cottage and build a 1600 sq. foot ranch house on an 8-foot above ground foundation with a deck.
- The applicant proposes to keep the vegetation in the rear of the property and fully landscape the non-wetland areas to lawn.
- All construction trucks and materials will enter from Ebony Street, utilizing the existing driveway area. Any storage will only be in the buffer zone.

COMMENTS

- This property came before the Commission under a Request for Determination of Applicability under the Bylaw only to determine the area of jurisdictional wetland on the property.
- The Commission issued a Positive Determination of Applicability under the Bylaw only on September 5, 2019, stating that “Fairhaven Assessors Map 43A, Lot 237 falls under the jurisdiction of the Fairhaven Wetlands Bylaw (Chapter 192) as Isolated Vegetated Wetland and the associated 100-foot buffer zone.”
- This Notice of Intent has been filed under the Bylaw only, in keeping with the Determination issued in September.
- The work takes place entirely outside of the wetland but nearly entirely inside the 100-foot buffer zone.
- Erosion controls have been noted on the plans and protect the wetland from the proposed work.
- The proposed deck is close to the wetland, but that corner of the wetland is currently grassed lawn.
- The applicant has noted that he would be happy to plant any native plants in the wetland area.
- The existing shed on the property either has already been removed or will be removed.
- The cottage has already been demolished.

RECOMMENDATION

- I recommend closing the public hearing and issuing an Order of Conditions under the Fairhaven Wetlands Bylaw only for 130 Ebony Street, plans dated April 8, 2020, with the following recommended conditions:

Approve plan dated April 8, 2020

A. General Conditions

1. Section C, General Conditions Under Massachusetts Wetlands Protection Act, on the Order of Conditions, shall apply to this Order of Conditions under the Fairhaven Wetlands Bylaw. Where these conditions refer to the Wetlands Protection Act or the Massachusetts Department of Environmental Protection, those references shall be replaced with the Fairhaven Wetlands Bylaw and the Fairhaven Conservation Commission, respectively.
2. ACC-1
3. With respect to all conditions except _____, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
4. REC-1
5. REC-2
6. ADD-1
7. ADD-2
8. ADD-4b
9. ADD-4c
10. ADD-5
11. STO-4
12. STO-5
13. LOW-2, with the exception of the native living fence plantings. In areas where there is no erosion and sedimentation control, the property boundary shall be the limit of work.

B. Prior to Construction

14. CAP-3

15. Job site posting of a sign clearly visible from the road not less than two square feet or more than three square feet with the words,

Fairhaven Conservation Commission [or FCC]

File Number CON 023-133

Included shall also be the Commission's office phone number (508) 979-4023 for further information. Special orders of the conditions shall be weatherproofed and posted on all activity sites, including a posting on the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

16. DER-1

17. PCC-3

18. EMC-1

19. PCC-1

20. PCC-2

21. PCC-4 These markers shall be maintained for the entire duration of the project and shall be replaced in the event of any damage.

22. SIL-6

23. SIL-7

24. SIL-9

25. SIL-10

26. Native wetland plantings shall be installed along the edge of the wetland to provide a living fence to prevent disturbance to the resource area. A planting plan shall be submitted and approved by the Commission or its Agent prior to any plantings being installed. These plantings shall not be installed during the summer months. They shall only be installed between April 1 and May 31 or between September 15 and October 31. If they are installed in the spring, plantings shall receive watering throughout the summer months to ensure success. Should any of the plantings fail within two years of planting, the Commission reserves the right to require additional plantings or measures necessary to achieve success.

C. During Construction

27. STO-1

28. STO-3

29. MAC-3

30. MAC-7

31. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.

32. DEB-1

33. DEB-5

34. BLD-3

35. BLD-4

36. EMC-2

37. SIL-3

38. SIL-4

39. SIL-8

40. LOW-3

41. WAS-2

42. WAS-3

- 43. WAT-3
- 44. RUN-2
- D. After Construction/In Perpetuity
 - 45. REV-1
 - 46. RES-4
 - 47. COC-1
 - 48. COC-2

Perpetual Conditions

The below conditions do not expire upon completion of the project.

- 49. CHM-3
- 50. DER-4

Staff Report

Date: April 9, 2020

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **Bridge Street, Map 36, Lot 15 – Notice of Intent – DEP# 023-1299,
Fairhaven CON 023-081**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)
- Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act
- Existing Conditions plan (Sheet 2), revised October 5, 2019.
- Peer Review Letter from Environmental Consulting & Restoration, LLC dated October 10, 2019
- Revised plans dated October 31, 2019
- GCG Stormwater Peer Review letter dated November 25, 2019
- GCG Stormwater Peer Review letter dated January 10, 2020
- Response to January 10 Peer Review
- Revised plans dated January 22, 2020
- Revised Operation and Maintenance Program dated January 22, 2020
- Revised Stormwater Report Appendix A – Site Construction Controls
- Revised narrative dated February 18, 2020
- Revised plans dated February 14, 2020
- Revised Stormwater Report dated February 18, 2020
- Revised plans dated February 28, 2020
- Revised planting plan dated March 6, 2020
- Revised plans dated March 10, 2020
- Letter to Conservation Commission dated March 17, 2020

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland (310 CMR 10.55)
- Buffer Zone

PERFORMANCE STANDARDS

- **Bordering Vegetated Wetland: 10.55(4)**
 - (a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW

- (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF:
 1. The area is equal;
 2. The ground water and surface elevation are approximately equal;
 3. The overall horizontal configuration and location are similar;
 4. There is an unrestricted hydraulic connection to the same water body or waterway;
 5. It is in the same general area of the water body;
 6. At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons; and
 7. The replacement area is provided in a manner which is consistent with all other regs in 310 CMR 10.00.
- (c) The ConCom may permit the loss of a portion of BVW when;
 1. Said portion has a surface area less than 500 square feet;
 2. Said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and
 3. In the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposal.
- (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
- (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern
- **Buffer Zone General Provisions:** 10.53(1) "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."

PROJECT SUMMARY

- It is proposed to construct an auto dealership consisting of a 14,000 square foot building with a paved automotive display area/parking lot. A placed stone retaining wall is proposed along the east edge of the paved area in order to minimize wetland impacts. The existing driveway is proposed to be relocated westerly while still providing a 25 foot offset zone to the wetlands. A rain garden will occupy that 25 foot wide area. A detention basin is proposed at the eastern side of the parcel. It will be notched into the water table. It has been designed as a constructed pocket wetlands in order to remove suspended solids.

COMMENTS

- It appears that the majority of paved areas are 25+ feet away from the edge of the wetland line.
- The eastern stormwater structure, which is a constructed pocket wetland, will be located less than 25 feet from the edge of the wetland
- Proposed grade changes for the constructed pocket wetland appear to range from less than a foot to 5 feet.

- The applicant has made substitutions of native plants for the non-native landscaping plants per my recommendations.
- The revised O&M plan has provided a more detailed invasive vegetation control plan.
- This project will need a SWPPP.
- The submitted changes have not yet been reviewed by the peer reviewer for compliance with Stormwater Regulations.
- The project is also before the Planning Board.
- In my opinion, this project needs to complete stormwater peer review of the most recent plans prior to any further discussion with the Commission.

RECOMMENDATION

- I would recommend limiting discussion on this project as very little new information has been submitted and stormwater peer review has not yet been completed and I recommend asking the applicant if they would like to request a continuance to address the above information.

Staff Report

Date: April 9, 2020

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **Huttleston Ave, Map 31, Lots 115A & 117C – Notice of Intent – DEP# 023-1308, Fairhaven CON 023-095**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)
- Peer Review Letter from GCG Associates, Inc. dated October 11, 2019
- Revised plans dated November 8, 2019
- Peer Review letter from GCG Associates, Inc. dated November 20, 2019
- Peer Review letter from GCG Associates, Inc. dated January 10, 2020
- Response to GCG Associates, Inc. dated January 23, 2020
- Revised plans dated January 22, 2020
- Revised Stormwater System Operation and Maintenance Program dated January 23, 2020
- Revised Notice of Intent dated February 18, 2020
- Revised site plans dated February 14, 2020

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetlands (310 CMR 10.55)
- Buffer Zone

PERFORMANCE STANDARDS

- **Bordering Vegetated Wetland:** 10.55(4)
 - (a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW
 - (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF:
 1. The area is equal;
 2. The ground water and surface elevation are approximately equal;
 3. The overall horizontal configuration and location are similar;
 4. There is an unrestricted hydraulic connection to the same water body or waterway;
 5. It is in the same general area of the water body;
 6. At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons; and

7. The replacement area is provided in a manner which is consistent with all other regs in 310 CMR 10.00.
- (c) The ConCom may permit the loss of a portion of BVW when;
 1. Said portion has a surface area less than 500 square feet;
 2. Said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and
 3. In the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposal.
 - (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
 - (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern
- **Buffer Zone General Provisions:** 10.53(1) "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."

PROJECT SUMMARY

- It is proposed to construct four, two-story wood-framed three-unit residential buildings for a total of 12 residential 2-bedroom units. In addition, two ancillary storage buildings will be constructed and will be available as storage rental space for the apartment tenants as 12-foot-wide by 20-foot-deep areas with garage door access. There is also proposed to be a small maintenance building. A total of 26 standard parking spaces and 2 van-accessible spaces are proposed.
- The storm drainage system at the proposed development has been designed to create a reduction in the rate of stormwater runoff from the existing site. The collection and treatment systems will be in the form of deep sump catch basins, sediment forebays, and a detention basin. Hydrologic computations were performed in order to model the volume and rate of flow of stormwater from the site, under both existing and proposed conditions, for a broad range of design storms.
- The revised plans and Notice of Intent dated February 14, 2020 and February 18, 2020, respectively, note the following changes:
 - The storage buildings and maintenance sheds have been deleted
 - The western driveway has been deleted
 - The detention basin has been reconfigured
 - Due to the reduction in impervious area, changes have been made to the project peak rates and volumes

COMMENTS

- *Question for Applicant:* How much of the buffer zone is being proposed to be cleared?
- The revisions to the plan provide close to a 25-foot buffer zone between the proposed construction and the wetlands.
- The proposed landscaping vegetation is mostly native species with the following exceptions:
 - Japanese Zelkova (*Zelkova serrata*)
 - Dwarf Japanese Juniper (*Juniper procumbens* 'Nana')

- The proposed constructed pocket wetlands plantings are primarily native. I would recommend the following substitutions:
 - *Alisma subcordatum* instead of *Alisma plantago-aquatica*
 - *Symphyotrichum puniceum* instead of *Aster puniceus*
- The new plans have not yet been reviewed by the peer reviewer. The last set of plans seemed to substantially comply with the MassDEP Stormwater Regulations, but the submitted plans are significantly different to what the peer reviewer last reviewed.
- Peer review has been initiated but not yet completed.
- In my opinion, this project needs to have stormwater peer review completed prior to any further discussion with the Commission.
- No changes from the previous meeting.

RECOMMENDATION

- I recommend limiting discussion on this project as no new information has been submitted to the Commission and asking if the applicant would like to request a continuance to a future meeting to allow for peer review to be completed.

Staff Report

Date: April 9, 2020

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **44 Torrington Road – Enforcement Order – No DEP#, Fairhaven EO 023-010**

DOCUMENTS REVIEWED

- Enforcement Order dated December 9, 2019
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)
- Draft Wetland Restoration Plan dated March 4, 2020 with plans dated March 7, 2020
- Revised draft Wetland Restoration Plan dated March 17, 2020 with plans dated March 17, 2020
- Revised draft Wetland Restoration Plan dated March 30, 2020 with plans dated March 30, 2020

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland
- Buffer Zone
- Land Subject to Coastal Storm Flowage

PERFORMANCE STANDARDS

- **Bordering Vegetated Wetland**: 10.55(4)
 - (a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW
 - (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF:
 1. The area is equal;
 2. The ground water and surface elevation are approximately equal;
 3. The overall horizontal configuration and location are similar;
 4. There is an unrestricted hydraulic connection to the same water body or waterway;
 5. It is in the same general area of the water body;
 6. At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons; and
 7. The replacement area is provided in a manner which is consistent with all other regs in 310 CMR 10.00.
 - (c) The ConCom may permit the loss of a portion of BVW when;
 1. Said portion has a surface area less than 500 square feet;
 2. Said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and

3. In the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposal.
 - (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
 - (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern
- **Buffer Zone General Provisions:** 10.53(1) "For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work."
- **LSCSF General Provisions:** 10.24(1) "If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests."

PROJECT SUMMARY

- The Enforcement Order required that a restoration plan shall be filed with the issuing authority on or before March 9, 2020 for the following:
 - An assessment of the site and submission of a restoration plan by a qualified, licensed professional by March 9, 2020
 - Restoring and revegetating the disturbed area to the original extent of the resource area by June 30, 2020 as laid out by the Commission in response to the submitted restoration plan
 - Assessments of vegetation for three growing seasons following the completion of the work shall be submitted to the Commission. If any of the planted vegetation fails to establish, the property owner shall be required to replace those that fail.
 - The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Enforcement Order
 - The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Act and/or the Fairhaven Wetlands Bylaw.
 - The restoration plan shall be in compliance with the Performance Standards for Bordering Vegetated Wetland (310 CMR 10.55(4)). Specifically, 310 CMR 10.55(4)(b)1, 2, and 6 require the area restored to be equal to that of the area disturbed, the groundwater and surface elevation of the restoration area shall be approximately equal to that of the pre-disturbed Bordering Vegetated Wetland, and at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the restoration area shall be temporarily stabilized to prevent erosion.

COMMENTS

- The draft restoration plan was submitted as a "fluid" document, requesting input from the Commission, to be discussed with the engineer and wetland scientist at the March 23 meeting.
- The first draft of wetland restoration plan includes the following recommendations:

- Stumps will remain
- Planting of 21 tree saplings 8-10 feet in height, 3" caliper
- Consideration of some shrub plantings
- A significant presence of invasive species on the site will make it difficult for the new plantings to survive, therefore the area where the cutting occurred should have the invasive species removed using a backhoe or similar machine
- Removal of all cut trees, branches, and other brush/slash from the area, using heavy equipment to allow area to be planted more quickly
- Completion of the removal and planting by May 31, 2020
- 2 years of monitoring in the late spring and late fall
- The first submitted revisions included:
 - Planting of two trees at 7 Waybridge Road
 - Further explanation of size of trees:
 - "It is important for the FCC to realize that the replacement tree species will be saplings & not mature trees. These tree saplings would have a height of 8' to 10' (3-3.5" caliper/root ball size 34"/weight 800 lbs.). Mature tree species would not survive the stress of transplantation especially in a coastal setting with the added stress from salt spray. NOTE: a 6" caliper tree would have a root ball of 66-72"/weight of 5000-6000 lbs. and a height of 18-20'. This would most certainly result in plant failure. I DO NOT recommend this at all."
 - Inclusion of shrub plantings, using the recommendations given
 - Removal of the old fill
 - Revision of the timeline to include removal of fill and invasive species
 - Note that they would like to discuss the proposed 5-year monitoring period as well as spring vs. fall planting with the Commission during the March 23 meeting.
- The second submitted revisions include:
 - Stumps to remain at 7 Waybridge in addition to the planting of two trees
 - Tree plantings have been revised to include the number of each and the addition of Eastern Hemlock
 - 7 Red maple
 - 7 Black gum tupelo
 - 3 Yellow birch
 - 4 Eastern hemlock
 - Shrub plantings have been revised to include the number of each as well as the total
 - 12 High bush blueberry
 - 13 Sweet pepperbush
 - 12 Inkberry
 - 11 Bayberry
 - Revision to the timeline regarding the removal of fill and removal of invasive species to occur in spring/early summer 2020
 - Revised planting schedule to occur third week of September
 - Installation of a sprinkler system to permit timed watering during fall months of 2020 and the summer and fall months of 2021-2025
 - Monitoring updated to include 5-year monitoring due to presence of invasive species
 - Note that the timeline could be affected by the pandemic and further adjustments may need to occur
- These revisions address all of the comments from the Commission at the last meeting

- The biggest concern with any restoration in this location is the significant presence of invasive species. Ensuring that the native plants are given a head start without having to compete with well-established invasives will be crucial.
- The fine has not yet been paid.

RECOMMENDATION

- The plan is approvable in its current draft. However, based on discussion with the Commission at the previous meeting, approving the plan at this stage is unlikely due to the lack of payment of the fine.