

A P P R O V E D

**Conservation Commission Meeting  
May 2, 2016 at 6:30 PM  
City Hall Auditorium, 62 Friend Street  
Amesbury, MA**

**Meeting called to order at 6:35 P.M.**

**Present: Alan Corey, Kinsey Boehl, Suzanne Egan, Steve Langlois.**

**Absent: None.**

**Also Present: John Lopez, Agent; Paul Bibaud, ConCom Recording Secretary**

**MINUTES: 4-12-16 Motion to approve by Suzanne Egan, seconded by Alan Corey. AIF.**

**ADMINISTRATIVE:**

**Briefing- Riverfront Buffer Zone Protection (Merrimack River Watershed Council) Presentation with slide show done by Carol Shumway, Director of Merrimack River Watershed Council.**

**Carol outlined problem spots all along the Merrimack River and where the larger concentrations of contaminations exist and what is being done between Massachusetts and New Hampshire.**

**Enforcement Order: 386 Main Street - (Shea)**

**John Lopez:** This is actually two enforcement orders. One was for the removal of an asphalt driveway and the replacement of such with pervious pavers along with associated landscaping within the 100 to 200 foot outer riparian zone pursuant to the rivers act and the Amesbury Wetlands Ordinance. That is one enforcement order. Due to the advanced state of the project and the impending rain last week, I felt that it was prudent to allow the project to continue.

The Enforcement Order required the applicant to be present this evening, at which time the commission will deliberate on how best to proceed, whether it is through the request for a Determination of Applicability or a Notice of Intent.

The second enforcement order associated with this address is for a different lot and number. This is for a riparian bank across the street from the dwelling. This was for the deposition of depositing of loam on a protected resource, the riparian bank, and within a FEMA flood zone. That did entail a cease and desist order just to provide the ConCom with background and a chain of events. My times are approximate, but the enforcement order was issued on a Monday, and this was the result of a number of complaints or inquiries that I had received. I went through all these phone calls, yet the applicant did not go through the process and did not install a DEP sign. I issued a Cease and Desist order also on a Monday, in which I required as stipulated in the E.O. that erosion control be established, all work was stopped, erosion control be implemented, and that a plan be submitted by tonight for reviewing, and the loam was removed. The soil has now been

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seeded, erosion control still in place, so I'm comfortable with the activity and actions pursuant to the E.O. and I think the site is stabilized.

We do still have an E.O. on that parcel, so the ConCom will have together lift it, amend it, or do whatever it is you'd like to do with it. That is separate from the E.O. for the paving of the driveway.

**Tom Hughes, Hughes Environmental Consulting:** I'm here with Brian Shea, owner / applicant. The Shea's have gotten themselves in a double conundrum here. They moved into the house last year. The prior owner had been parking on the driveway and next to the driveway. The old driveway was a hodgepodge of concrete, pavement, and gravel on top of that. They were parking on what should have been lawn and it was so packed down that water was just pooling up. They thought they were fixing a problem by taking out the mess and putting in pavers. While they had a landscaper on site, they thought they'd solve the problems that cropped up late last fall when there was a water main break that ran down their bank, and from Main Street out, so you had 4-5 feet of flat, then a slope, then another 4-5 feet of flat, then a retaining wall. So Brian thought that while the landscaper was fixing the problems the broken main caused, why not fix across the street as well. Well, across the street was a bunch of loam 3 foot down and they were going to seed it, and obviously that was all done without permits. He wasn't aware that permits were needed and that he should have gotten them. As soon as John alerted him to that, he called me and I actually made it to the site before John had left. John issued the E.O. the following day, within an hour of me receiving the E.O. John had the restoration plan for that. Hopefully, we have undone that violation. The work is located within the riverfront, straddling the inner/outer riparian line. What we'd like to do, since the work is nearly complete, would be to file an "after the fact" RDA using a survey plan of the property. What we'd like to do is try to overlay this onto the survey plan so you'd have something pretty much to scale showing what was done. I believe on the same street there was an "after the fact" RDA allowed for a driveway. But they've done everything John asked for, and we ask that that be considered in how you decide to pursue this.

**John Lopez:** To review, the E.O. which was issued required the property owner to submit a letter to ConCom stating that they would comply with the mandates. They have done that. It required the applicants to retain the services of a wetland scientist and to have that scientist submit on letterhead that he has been retained. They've done that. So they have met all the requirements of the E.O. The ConCom now just has to decide how to proceed on both Enforcement. Orders. One of the conditions of the E.O. states that a wetland scientist shall conduct an assessment identifying the edge of the impacted buffer zone and a riparian zone to the Merrimack River. Observations will be detailed in a report and be so documented that it is to accompany an "after the fact" permit, to be determined by the ACC. In addition, all impacted buffer zones must also be depicted on the site plan, which would include limit of alteration. A hand held GPS unit with accuracy plus or minus 12 feet will be substituted for land survey. The assessment report and accompanying plan along with the wetlands permit identifying the proposed project shall be submitted to the ACC no later than May 16, 2016 in a manner consistent with state and local permitting. This is what I wrote in the E.O. So we are looking to ratify the E.O. and then to amend it to do whatever ConCom wishes to do.

**Steve Langlois:** The one thing that bothers me most is, sure the applicant made some mistakes because he didn't know. What about the contractor who does this type of work

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all the time. Why didn't he know the rules? I'd like a letter from the contractor to say to us that he now knows that if he is working in any kind of waterway or buffer zone that it needs to be checked out. Mr. Shea could have hired a guy that is a professional and followed his expertise and ends up shooting himself in the foot. It's time to fix that.

**Tom Hughes:** Absolutely, we will try to get that.

**Brian Shea, owner / applicant:** I moved to Amesbury last Sept. We lived on the Merrimack in West Newbury for 25 years. We downsized, and always loved Amesbury. We bought our house and done a lot of improvements to it over the last several months. We are both truly sorry. Ignorance is no defense for anything, we understand that. I made a mistake. I just didn't know it. I apologize. My contractor feels terrible, because he just did it. He's installed (Dan Green) most of the stonework in Amesbury and has worked here for many years.

**Tom Hughes:** So we are agreeable to try to make it all right.

**Suzanne Egan:** I think the appropriate thing would've been to file a NOI, have it reviewed, then go forward. That would be appropriate for us to move forward.

**Alan Corey:** Across the street on the river, that has pretty much been completed.

**Suzanne Egan:** What we want to do is cure the problem. By filing a NOI and getting an OoC from ConCom, it is cured.

**Kinsey Boehl:** A NOI would include a restoration plan.

**John Lopez:** Correct, and the restoration plan would include the one that has already been submitted, correct? So there is a paper trail.

**Tom Hughes:** Can I ask if we can do one NOI for the work on the house side, and on the plans show where the work was done, because essentially, we've undone the work. So there is no longer an alteration that we're looking to permit on that side. But we could document what was done, that the restoration was done, how it was done, and then insuring that that stays vegetated could be wrapped into it.

**Suzanne Egan:** Provided that when it is reviewed, if there is an issue with it, that the ConCom has the jurisdiction to do what is required.

**Tom Hughes:** The only other issue is, in order to get a NOI planned together, it is probably going to take us longer than a week, because we now to engage a surveyor and the GPS work.

**John Lopez:** We are talking about modifying or amending the E.O. so we can insert any date in that you are comfortable with.

Our next meeting is July 18, due to Fourth of July holiday.

**Tom Hughes:** As far as the work is done, we've stabilized the riverside and the work on the opposite side of the road is nearly complete. We'd like to ask you to leave the ability for them to just finish them, since they are so close on the paver side.

**Kinsey Boehl:** Like Suzanne said, I'd like to see an NOI describing both locations, and personally I'd be ok with continuation of work, knowing that it is at risk and if there is a problem with the NOI, that you'd have to remove or modify or whatever to come into compliance.

**Motion was made by Kinsey Boehl to have 386 Main Street to approve the Enforcement Order and have the applicant submit an NOI describing the work that is taking place on the driveway replacement project and a restoration plan for the fill adjacent to the Merrimack River, and a letter of recognition from the**

landscaping company by May 16th for the July 18<sup>th</sup> meeting, with a deadline of June 27, 2016. Motion was seconded by Suzanne Egan. AIF.

**Appeal on Positive Determination of Applicability – McDermot)**

**John Lopez:** At the last hearing, the ConCom issued a positive DOA pursuant to a request for a Determination of Applicability for a dock at the end of a right-of-way locally known as the driftway. ConCom issued a positive determination requiring a NOI which is consistent with ConCom decisions on most if not all docks. The applicant has filed an appeal with DEP requesting that DEP review the decision and issue a superceding determination of applicability.

DEP has received the appeal request. They will review it and decide whether to entertain the request or not. They are under no obligation to. The ConCom did not deny the dock, you simply required a NOI. Also, as a side issue, I received a phone call from state representative Kelcourse's aid, a man named Paul O'Neil, who asked to know a little bit more about the proceedings, and he asked who he could contact at DEP to have this issue addressed. I referred him to section chief, Wetlands division, Northeast Office, Ma. DEP. At this time, no further action is needed by the ConCom.

**NOI (002-1132) 5 Merrill Street – Request for Legal Counsel  
(Amesbury Conservation Commission)**

**John Lopez:** This is a NOI for the construction of a single family house at 5 Merrill Street. This was referred to Mill River for peer consultant and because of the complexity of the issue, we have depleted the funds. So in an e-mail, the peer consultant said "we do not see where they accurately or thoroughly estimate how much time will be needed for this work. We feel this matter falls best into the "any additional tasks" part of the letter of engagement, which ConCom has already approved, to provide clarity and cost control, we can commit to a cap of 12 hours, which would not be exceeded without further approval. If this concept meets with this ConCom approval, I'd encourage budgeting for the work to be done at a rate of \$225 per hour, leading to a maximum of \$2700. If we begin approaching 12 hours, we will let you know, so you can authorize additional work if so desired. So we're requesting a special counsel to review this and provide some direction to ConCom. We are also requesting that the ConCom approve the concept for continuing the peer review, seeking additional funding from the applicant not to exceed \$2700.

**Max London, property owner of 5 Merrill Street:** We have done as much as humanly possible to appease the peer reviewer. We provided an extensive reply to all his requests, including an alternative analysis. In his last letter, the peer reviewer requested even more extensive analysis on it and our team did the best they could to provide the information requested. We will do whatever is necessary to satisfy ConCom to make this project move forward.

**Motion was made by Suzanne Egan to request that special counsel be retained for ConCom to continue to review 5 Merrill street, and also to request from the applicant additional funding for the third party consultant, not to exceed \$2700. Motion was seconded by Alan Corey. AIF.**

**Nominations and Election of Chair and Vice Chair for the next year:**

**Suzanne Egan nominated the incumbents to continue forward in their present positions. Steve Langlois agreed to continue as Chair and Kinsey Boehl agreed to continue as Vice Chair. AIF.**

**Request for additional funding for Environmental monitor services for Amesbury Heights - (\$21,200)**

**John Lopez:** We have a request, but the applicant was reminded of this at the last meeting, for the amount of \$21200 that was needed for additional monitoring services. That remains outstanding. We've yet to receive that. This is just provided for your information. ConCom approved this in a vote at the last meeting. The administrative assistant sent them a letter on Tuesday, April 26, to the applicant as a reminder that this was due. Also, concerning the very next agenda item to be discussed: the applicant appeared before ConCom for a modified or amended OoC, at which time ConCom determined that some mitigation was necessary. The plan that they have submitted only proposes to plant 6 trees. But before we can proceed with a review, we need the money.

**Suzanne Egan made a motion that the Amesbury Heights shall submit the additional funding for environmental monitoring within 2 weeks from today and if that is not received then the Agent will issue a Cease and Desist order. Motion was seconded by Kinsey Boehl. AIF. Mr. Lopez will send a letter out to them.**

**Request for mitigation plan – 36 Haverhill Road- Amesbury Heights**

**See above motion. Already discussed in above agenda item.**

**CONTINUED BUSINESS:**

**RCoC (002-0954) - 46 Fern Avenue - (Coogan)**

Applicant is not present. This has to do with an outstanding CoC. The applicant was up against selling his property. The closing was delayed, and somehow the attorneys came up with a plan to allow the house to be sold giving the receipt of the CoC . The former property owner appeared before ConCom at the last hearing. Unfortunately, there are a number of outstanding issues. There were some significant indiscretions. A lot of things were built that were not approved. In my briefing memo, I have the square footage that was determined to be 750 square feet. Because there were so many outstanding issues, ConCom continued it and in a motion, required the former property owner/applicant to submit some information to ConCom to determine what was the square footage of alteration without a valid OoC, and that was 750 square feet. ConCom also requested the applicant to come up with a cost out, as to what the cost of vegetating that area would be, with shrubs, trees, or a combination of both. I believe ConCom wanted the applicant to be here tonight, but I don't see him. I got a voice message from him stating that he determined this to be 750 square feet, and according to a landscaper that he talked to, that could comfortably accommodate 35 plants. That's all I know.

**Motion was made by Alan Corey to continue this hearing to June 6 and to charge Agent John Lopez in calling the applicant to inform him to be here for the next meeting on June 6. Motion was seconded by Suzanne Egan. AIF.**

**NOI (002-1132) 5 Merrill Street - (Linden)**

**John Lopez:** I recommend continuing this hearing to June 6.

**Motion of “so moved” was made by Kinsey Boehl and seconded by Suzanne Egan. AIF.**

**NOI (002-1136) 14 Pleasant Valley Road. Goodwin Creek Marina - (McKenzie)**

**John Lopez:** This was initially opened up in the January meeting.

ConCom refrained from the peer review pending report from the fire department. This concerns initially the removal of an existing underground fuel tank and replacement of such within the riverfront area and riparian but the applicant has modified the plans to make it an above ground tank. Plans have been submitted.

**Ann Martin, LEC Environmental, and Dick McKenzie is with me from Goodwin’s Creek Marina.** As a recap of our hearing in January, you asked that we have an engineered plan put together with all the required notes showing where the tank would be, all the requirements that needed to be included, and to take that to the fire chief to sign off on this project. You also requested that we submit the form and the information for the waiver request under the bylaw, which I did submit that, but I did not make copies of the waiver request for you. But I did just hand out to you an 11 x 17 copy of the plan with a few items highlighted on it of interest.

There is an existing concrete pad that the tank will sit on and will be anchored into the pad. All that they have to do is put in tie downs for the tank. The tank has all the latest standards to comply with current standards.

**Kinsey Boehl:** This isn’t really in my field of expertise. I’d really like to see a third party review for the installation of the new tank.

**Suzanne Egan:** Can you describe the amount of regulations in place during the removal of the tank?

**Ann Martin:** There is an LSP that has to be there for when they go to remove the tank. The tank has to be cleaned, that has to be approved by an LSP. The soil around the tank has to be tested when the tank is removed. The tank will be removed and of at a proper facility, and then they would get a letter from the facility confirming the proper disposal. They have to track all of this information. The tank will be the same. They would then backfill the hole with clean fill instead of putting a new tank in there.

**Steve Langlois:** This information packet leads me to believe that the fire department is the group that will okay each step taken along way.

But who is the monitor?

**Ann Martin:** The fire dept. has signed off on this having met all the requirements and standards. They are not saying we are going to guarantee what it is. A licensed site professional is someone who is licensed by the state of Ma. And that licensure comes through, and they essentially represent the state. They have standards for compliance for tank installation, tank removal, anything that has to do with contamination. All that info we report to the state. DEP is monitoring this as well. The LSP has to be on the premises to monitor all this work. That is the requirement, and really the body that does the work is licensed as LSP, and that gets submitted to the fire department, etc.

**Kinsey Boehl:** What happens when you excavate the tank that you find contaminants?

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**Ann Martin:** They typically have an instrument there that tests some of the soils on site. If they get a reading over a certain level, they will stop. They will send soil out to a laboratory for testing, and if it exceeds certain levels or recorded levels, then when the material is removed off site, instead of going to a typical landfill, it dictates how that material is handled and removed from the site. That is one of the reasons an LSP is there. This tank is being removed because it doesn't meet the current level of standards. It is not being removed due to any malfunction, detected leak, etc. It is monitored every few years, and no leaks have been detected. When they remove the tank, they cut it open and clean the tank before they truck the tank away. So all possible precautions are being taken.

**Alan Corey:** After this is done, can we get a report from the LSP?

**Ann Martin:** Absolutely. You can include that as a requirement or special condition in the OoC that the LSP reports all test results back to ConCom.

**Suzanne Egan:** I'm comfortable with the removal of the tank without an environmental monitor, but I would prefer that a third party reviewer be there to monitor the installation process of the new above ground tank. And Alan, you made a comment too about the installation?

**Alan Corey:** Yes, it needs to be secured into the concrete itself.

**Ann Martin:** Or would it be acceptable to add a condition that references this document here, and at the time that the tank is installed, it has to comply with this?

**Alan Corey:** Yes. It's just that, in a flood, you don't want something to just float away.

**Motion was made by Suzanne Egan that the OoC be issued on the conditions that 1. the removal of the underground storage tank is monitored by an LSP retained by the ConCom and paid for by the applicant, and a report is generated to ConCom. 2. That the installation of the new oil tank be sent to a third party review consultant who approves that, and if it is approved, the project can go forward on the existing OoC as shown on the plan. 3. That the tank be according to FEMA regulations and that the amendment of the NOI be incorporated into the OoC. To the removal of the underground storage tank, an LSP (Stantec or whoever) then there would be a second, a third party reviewer of the installation of the above ground tank, and provided that third party review approves the plans as submitted, then the OoC can go forward.**

**Dick McKenzie, owner/applicant:** Let me explain exactly. That tank is built with its internal weight sufficient to weather a flood. The reason it is then tied down is just in case the weight of that tank can support its lifting power, if the tank was empty. Double lines that run from the tank over to the dispenser are double walled tanks with a double check valve, so if the line breaks either at the tank or in containment container under the dispenser, a check valve shuts off in both directions. So return from the dispenser or from the broken line or from the tank. So it really does address your worries. DEP will oversee along with the DDS and the fire chief.

**Alan Corey:** So if we could incorporate ...they have an LSP. If we just got ,say, Stantec to overview, then Stantec can review everything that is going on and review the LSP's report, so we don't need another.

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**Steve Langlois:** This is it. We've got 3 motions. I think we all understand what we're talking about. It is now just a matter of how we vote. So we have the 3 motions?

**Suzanne Egan:** I make a motion that the OoC be approved with regard to the removal of the tank and any installation of the tank shall be reviewed by a third party consultant such as Stantec, to review the plans and the actual installation of the tank, and report back to this commission.

**Alan Corey:** Along with the amended NOI.

**Kinsey Boehl** seconds Suzanne's motion.

**John Lopez:** So this is a conditional approval (yes)?

**Steve Langlois:** The only thing I agree with is the amended piece. My vote is "no review of the tank removal, because they have an LSP", "no review on the tank above ground, because these people are professionals who do it all the time." and 3. I would agree that we want them to agree that that paperwork from EPA or whoever they are be included with the plan. This is how I'm voting, but when you put them altogether, I can't vote on the individual parts of the whole.

**Kinsey Boehl:** Suzanne made a motion and I second it.

Votes in favor = Suzanne, Kinsey and Alan. Steve voted against. Motion carried.

Motion by Suzanne Egan to close the public hearing. Motion was seconded by Alan Corey. AIF.

**13 South Hampton Road (Quintal)**

**Withdrawn.** They submitted a new NOI and it is scheduled to be heard at the June 6, 2016 meeting.

**NOI (002-1142) 78 Lake Attitash Road (Buscanera)**

**Continued to June 6.**

**Request for Certificate of Compliance (002-1127)**

**78 Lake Attitash Road (Buscanera)**

**Continued to June 6.**

**NOI (002-1141) Village At Bailey's Pond (Fafard Development) - Continued to June 6.**

**NOI (002-1139) Riverfront Drive and Pleasant Valley Road**

**(Desmarais) - Continued to July 18.**

**NEW BUSINESS:**

**ANRAD - 34, 35, & 40 Water Street and 17 Chestnut Street (Goodman)**

**Ann Martin from LEC Environmental, along with Josh Cohen from Beacon Communities.** This involves 8 ½ acres in the Lower Millyard section of downtown. The property that John mentioned earlier in your first meeting that was the National Grid remediation site. Ann described the map she had on a tripod for the commission to understand what different colored lines on the map represented. It was lengthy because it showed a whole lot of buffer zones with different setbacks, etc. There are three boundaries that need to be approved that set all of those buffers and that riverfront area. And that is the site. I actually brought the existing conditions page from the grid application, and highlighted so you can compare and see how it relates to this plan, if that would be helpful. That may or may not be valuable to you. We have a technical review meeting tomorrow morning here with staff.

**John Lopez:** FYI to ConCom, the PLB has retained Stantec as their consultant on this project.

**Ann Martin:** So it would be helpful for ConCom to approve Stantec as your consultant also.

**John Lopez:** And I have in my hands a proposed contract with Stantec dated May 2, 2016.

**Ann Martin:** I do have one question on that. Their total dollar amount, it says \$1200 for an additional meeting. Is that in addition to the \$3200? I think it is included in the \$3200? We can clarify that before we write a check.

**Motion was made by Suzanne Egan to contract with Stantec as the third party reviewer/consultant and to continue this hearing to June 6th. Motion was seconded by Alan Corey. AIF.**

**NOI (002-XXXX) 75 Whitehall Road (Cynewski)**

**John Lopez:** This is pursuant to a positive determination for a dock. The applicant was required to submit a NOI, which he has done. The issue here was fresh water mussels, it had to go through reviews and all that. DEP has reviewed it. They had a few comments, so I worked with the applicant to address to their satisfaction. The one remaining issue is the endangered species

review. However, there are no other outstanding issues and DEP is comfortable with this, so this could be conditioned to any recommendations that the National Heritage people might have when the review is done. This is a new hearing that we're opening tonight.

**Kinsey Boehl:** I would be in favor of approving it with the condition that any comments under the endangered species act are rectified.

**John Lopez:** Here is the mitigating circumstance: the applicant plans to get married on this dock. So DEP rushed this through after they were made aware of this fact.

**Alan Corey:** We could make the stipulation that if the endangered species come through and said you have to do something different, you have to do it.

**Motion was made by Kinsey Boehl to approve with the condition that any comments from the national heritage endangered species review are addressed. If so, the**

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**applicant would need to appear before the commission again with an amended plan, and the dock to be immediately removed. Motion was seconded by Alan Corey. AIF.**

**Motion to close the hearing was made by Suzanne Egan and seconded by Alan Corey. AIF.**

**NOI (002-XXXX) 72 Lake Attitash Road – (Arling)**

Applicant did not publish the public legal notice in the Newburyport Daily News. Under the law, we are not able to open the public hearing. My recommendation was to continue with a peer review with Mill River. I don't know legally if we can entertain that as an administrative item or not.

**Suzanne Egan:** Since the open public hearing has not taken place, I suggest we keep it clean and not address that piece until after the public hearing and do it all at once. Meeting is continued to June 6. Agent John Lopez was charged with alerting the applicant that he needs to be here on June 6 for the meeting.

**RDA- 50 Lake Attitash Road - (Pastman)**

**John Lopez:** This is an RDA for the proposed installation of a fence which is only 3 feet high and the associated landscaping. So it is soil, seed, and landscaping. The ConCom has a packet of all her information that she has distributed for you.

**June Pastman, applicant/owner:** I want to put in a 3 foot fence in, soil, loam, and grass seed. The yard is a mess and needs to have a lawn growing there. It will be 25 feet from the lake. I want to put grass on the sides, front, and back of my house. I will have hay bales to protect the water of the lake.

**Suzanne Egan:** The commission generally requires a much more detailed landscaping plan than this, with specifically identified plantings. So we need more detail.

**Steve Langlois:** We need to know what kind of plants are being put in, etc.

**June Pastman:** OK, I just put in a Japanese Maple, hydrangeas, I and will plant bushes that John suggested on his list of approved plantings, especially by the water.

**Kinsey Boehl:** I think John mentioned in his briefing memo that the area description is 4100 square feet of land that is being modified?

**Suzanne Egan:** John, the work that has been done so far, is any of that within the jurisdiction of ConCom to have the work done without filing permits?

**John Lopez:** No. Routine yard maintenance and gardening is a non-regulated activity. If a person wants to plant some things, they can. But if it is something of a larger scale, then a landscaping plan would be required.

**Alan Corey:** I think we're just dealing with the fence.

**Suzanne Egan:** OK, so we don't have to know about your grass seed and landscaping, since it is non-jurisdictional. So all we have to do is the 3 foot dog fence.

**Lainie Senechal, 48 Lake Attitash Road has abutter comments:**

I live next door to June. She and I share responsibility for a right-of-way that runs between our cottages. We need to keep it open and grassed, that is why she needs to put grass back in. She can put shrubs along the house, but the right-of-way cannot be blocked. Her yard is a mess. There was lots of construction, so those heavy

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vehicles going up and down messed it up. June has moved in, she has started to replace the plants. She already is planning on what to put as a buffer zone in front of the lake. The fence is small and won't block my view, so I'm happy with the improvements going on, as an abutter. I have no objections to the fence.

**John Lopez:** So this would be conditioned to the submitted and approved plan, along with a 2x3 foot sign being posted in the area saying ACC 002-50 displayed in the public way during the duration of the work.

**Motion was made by Alan Corey to issue a negative determination pursuant to the submitted and approved plan and a sign posted in a public way measuring 2x3 feet stating ACC 002-50 to remain in plain site for the duration of the work.**

**Motion was seconded by Suzanne Egan. AIF.**

**Motion to adjourn was made by Suzanne Egan and seconded by Alan Corey. AIF.**

**Meeting adjourned at 9:00 P.M.**