

**CONSERVATION COMMISSION MEETING
MONDAY, APRIL 4, 2022
RESOURCE ROOM**

Attendance: Chair Tracy Sharkey, Vice-chair Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam

Chair Tracy Sharkey calls meeting to order at 7:02 PM.

Discussion:

1. (7:02 PM) (0:55) Mail and orders to sign

There is a voucher for the MACC classes on May 21, 2022 for the commission to sign.

2. (7:04 PM) (2:20) Shore Road: Email from Sally Bentley & Jeanne Lawrence discussion of flooding and environmental concerns, letter from Madeline Meyers.

Town Council Brian Winner joined meeting, there has been an ongoing issue with the pipe and flooding on Shore Road and the commission is looking for direction from town council and for the abutters to understand whose jurisdiction this is and what can be done to remedy the issue. Town Council responds that the properties are all private land, and the town does not have much control over what happens on private property. The conservation agent's responsibility is to continue to monitor for compliance and look after the permits for open order of conditions. Ms. Lawrence argues about the towns responsibility because they issued permits that have caused flooding along with the approved solar farm and would like to see the town mitigate this issue. Attorney Winner understands Ms. Lawrence's concerns and responded that all the permits could be vetted through the correct departments and conditions can be met and there still be issues, so once a permit is closed out a determination has been made that they have fulfilled the conditions and the burden then falls back on the property owner. These matters will have to be brought to the property owner's attorney if they so choose to use one. The town has very limited abilities when it comes to doing work on private property, and he suggests the next step for the landowners is to address the issue with the other private landowners that the issue is coming from. If there are issues out of compliance the building officials would be the one to make a determination. Ms. Lawrence would like to get information on how to proceed through the town process. Chair's question for council is that this commission issued an emergency order to repair the pipe right away and eventually receive a plan but there has been no plan submitted and a notice of intent filed – an after the fact filing. What can the commission do in terms of enforcement? Attorney Winner responded that the commission should remind them to make a filing so that it can be reviewed by the commission, and they would go from there whether they would want to issue an order of conditions or not. If the commission does not receive a letter or a response, then they can and should invoke the emergency order. Madeline Meyers 117 Shore Road sent a letter to the commission today and read it to the commission as well. Greg Bentley 119 Shore Road joined meeting remotely and stated he is a professional engineer and he insists the cross culvert at 115 Shore Road is not in compliance under the road or through the property itself, and voiced his other concerns with this issue. Steve Zisk conservation agent suggests asking if legal council will help the commission in drafting the enforcement letter, and they responded they would be happy to help. A representative Mr. Cook for the solar farm joined remotely and explained what they have done to mitigate the issue, and the commission would just like him to put them in a plan as well.

3. **(7:32 PM) (30:00) Request for a Certificate of Compliance, (COC-DEP #143-0642) 48 Glenn Street- Douglas Properties, LLC – Possible Votes**
Margaret Bacon presented the as built plans for the culvert common driveway, she is just looking for a partial certificate for the bridge structure location. Commission is asking why a partial because it isn't getting finished out. Ms. Bacon is going to table this until she receives a letter from the structural engineer in a week or two. Commission requested that Mr. Zisk find out what the bond amount they are holding is for the replication and crossing. Adding to April 25th agenda.
4. **(7:42 PM) (40:45) Request for a Certificate of Compliance, (COC-DEP #143-0949) 56 West Street-Cliff Van Reed – Possible Votes**
Art Montminy will recuse from discussion. Margaret Bacon presenting plans, and Mr. Zisk said everything looked good.
(7:44 PM) (42:49) Motion to issue the certificate of compliance made by Mike Greco, seconded by Eric Harris. Roll call vote - Katiegrace Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.
5. **(7:45 PM) (43:46) Request for a Certificate of Compliance, (COC-DEP #143-0985) 24 Shady Lane – Possible Votes**
Byron Andrews with Andrews Engineering walked the commission through the plans via remotely, where the addition is and the new plantings (12 trees and 3 shrubs)
(7:47 PM) (45:44) Motion to issue the certificate of compliance made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam in favor.
6. **(7:48 PM) (46:08) 147 Davis Street – Driveway Permit Review.**
Mr. Zisk stated the work is already done, an NOI was filed years ago, and work was never done. They recently started clearing the lot. The commission just wants to make sure that the work that has already been completed is not in the buffer zone. So as long as they stay outside of the 100 there is no jurisdictional issue, the commission requests that the applicant mark the 100 foot and maintain the 100-foot buffer.
7. **(7:54 PM) (52:14) Sleepy Hollow Lots 20-23 small wall install to increase back yard.**
Andy went over the slope grading with the commission and the plan to increase the back yard. The commission is open to allowing this as a minor plan change but would like a few more details for each lot for record keeping. Katiegrace Dudley states that she would not be amenable to the change if the slope was agreed to be conservation mix and not just grass, the commission would also like him to check the buffer zone distance.
8. **(8:06 PM) (1:04:38) River Clean Up Update.**
The pamphlet for the event has a QR code and is on April 23, 2022 from 9 AM to 3PM, drop-off location at the Douglas Highway garage.

Old Business:

9. **(8:11 PM) (1:09:30) (NOI-DEP #143-1030) Public Hearing Continued: Notice of Intent 148 Shore Road (New Single-Family Dwelling). Joseph & Pamela Perrone – Possible Votes**
Margaret Bacon stated that they are still waiting for the Peer Review so they will continue.
(8:11 PM) (1:09:50) Motion to continue to April 25, 2022 at 7 PM made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

10. (8:12 PM) (1:10:20) (NOI-DEP #143-1038) Public Hearing Continued: Notice of Intent: Whitin Reservoir Dam Operation & Maintenance Manual: Whitin Reservoir Watershed District – Possible Votes

Matthew Bellisle with Pare Corporation joined remotely with colleague Maureen Gluck and Paul Colette representing the district and Lauren has been in communication with National Heritage. Mr. Bellisle stated that they have heard back from National Heritage about their review of the previously conducted vegetation survey, but the survey did not include the species they were looking for but they did approve the evaluators credentials for moving forward with additional studies. At this point they are coordinating with Natural Heritage to define the scope of that additional study and will be looking to get that done at the next appropriate season which is early summer (June or July). The commission would like them address the revised comments through today with DEP because DEP sent new ones today, and the conditions required by Natural Heritage to be incorporated into the order. The District is requesting to get approval to move forward with the plans to re-point the stone masonry intake tower in July in compliance with findings of a previous inspection since they are non-resource area dependent activities. There is one member of the commission with reservations on approving this request so the commission is requesting that they be provided with something from the office of dam safety referencing this type of activity. Mr. Bellisle responded with 302 CMR-10 dam safety regulations requiring dame owners to take productive steps to maintain their dams and this is a proactive step to do just that, he will provide a summary of the exemption under the wetlands protection act that allows them to complete that activity without a permit. Ms. Dudley requests that they send an email to Steve Zisk referencing the hot balling process that will be used to fix the stone masonry under the water.

(8:23 PM) (1:21:40) Motion to continue the hearing to May 16, 2022 at 7 PM made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

11. (8:24 PM) (1:22:05) (NOI-DEP #143-1043) Public Hearing: Notice of Intent: 0 Mumford Road & 5 Forest Street, Definitive Subdivision Plan Sutton Douglas Development, LLC.

Wayne Bellick with Land Design Collaborative and Mike Scott the engineer and also Tim Flynn with Flynn Build and Develop for the presentation of the project. They will provide the commission with the updates of the hearings attended since the opening of the planning board hearing on March 10, 2022. The plans show the property that runs through Sutton and Douglas with the majority of the land in Douglas. They went over vegetation, topography, storm water, pre and post hydrology maps, the proposed road locations and size. They are proposing 31 lots with their own well and septic. They are proposing a closed storm water system and seeking relief to road grades, road widths, to providing only one sidewalk rather than two. As requested by Steve Zisk they provided a slide with storm water infrastructure in red. The majority of the storm water that runs onto the property is diverted in open swales and then released and collected by stormwater management system. The commission is still waiting for the Peer Review for the project. There is nothing proposed in terms of resource area alteration. Lucille Prince 1 Forest Street, Douglas asked about the multiple treatment facilities, Mike Scott responded that they are using a hydrodynamic separator cds unit, which is a prefabricated manhole to separate materials and trap them.

(9:12 PM) (2:10:09) Motion to continue hearing to April 25, 2022 at 7 pm made by Art Montminy, seconded by Eric Harris. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

12. (9:12 PM) (2:10:30) (NOI-DEP # 143-10xx) Public Hearing: Notice of Intent: 105 & 123 Gilboa Street – CRG Services Management, LLC – The Construction of a distribution warehouse with a

footprint and gross square footage of 1,102,500 sf. Access provided from Gilboa Street via a bridge crossing the Mumford River and from Northeast Main Street. Other Improvements include vehicle parking, loading docks, and trailer spaces. – Possible Votes

(9:12 PM) (2:10:35) Motion to continue hearing to April 25, 2022 at 7 PM made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam

New Business:

13. (9:13 PM) (2:11:10) (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Red Pine Trail Douglas Improvement Project – (adjacent to and access from the Wallis Street Parking Area. Bay State Trail Riders Association – Possible Votes

Margaret Bacon Civil Site Engineering to present plans to the commission. Proposing to relocate trail about 10 feet away from the existing trail and put a wooden boardwalk over the stream that traverses the area. The boardwalk will be six foot wide twelve foot long and made of fiberglass reinforced polymer materials. Still need a DEP # so will continue to next meeting.

(9:19 PM) (2:17:14) Motion to continue to April 25, 2022, at 7 PM made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

14. (9:19 PM) (2:17:38) (RDA) Public Meeting: Request for Determination of Applicability, 48 Bigelow Road Septic Repair, Matthew S. Marro – Possible Votes

Advertised with incorrect address, so will be moved to next meeting.

15. (9:19 PM) (2:17:50) (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 22 Conservation Drive – New Dwelling – Lackey Dam Properties Inc. – Possible Votes

Jude joined remotely to go over the plans, there is no DEP number yet. The commission asked if he could reconfigure and move the house outside the 100 feet, forward towards the street towards the 50-foot setback to reduce grading. Jude responded that he looked into that option, but it would move it closer to the septic system. Commission requested that Jude get a request in writing to close out the old open order of conditions. The slope off the house towards the 50-foot wetland buffer is 3 to 1. Commission asked what would be used for planting on the slope, they would prefer not planting grass and no mowing. Leah Ladimer 18 Conservation Drive voiced her concerns about how close the project is to the river and the animals in the river, she mentioned a court case that denied the use of this land for building. The commission responded that they will have to look into this matter and her concerns. The commission would like Jude to find out if the applicant is amenable to getting a Peer Review done. Jude will run that by them.

(9:56 PM) (2:54:10) Motion to continue hearing to April 25, 2022 at 7 PM made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

Upcoming Meetings: April 25, 2022, May 16, 2022, June 6, 2022 June 27, 2022

(9:58 PM) (2:55:32) Motion to adjourn made by Art Montminy, seconded by Mike Greco. Roll call vote - Katiegrace Dudley, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam.

Respectfully submitted,

Stephenie Gosselin, Recording Secretary