

CONSERVATION COMMISSION MEETING
MONDAY, JUNE 27, 2022
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Eric Harris, Art Montminy, Mike Greco, Mark Mungeam. Steve Zisk Conservation Agent.

Absent: Vice-chair Katiegrace Dudley

Chair Tracy Sharkey calls meeting to order at 7:06 PM

Discussion:

1. (7:06 PM) (0:13) Orders to be signed: 80 Locust Street
2. (7:06 PM) (0:15) Meeting Minutes: Table until end of meeting.
3. (7:06 PM) (0:20) Letter sent to Douglas Properties, LLC on the Emergency Certification Form issued July 3, 2021
No Response.
4. (7:06 PM) (0:34) Request for Certificate of Compliance, (COC-DEP #143-0740) 121 Webster Street – Joseph Vecchione – Possible Votes
No as built submitted
5. (7:07 PM) (1:03) Request for Certificate of Compliance, (COC-DEP #143-0960) 117 Perry Street – Orbison Corp – Possible Votes
All papers are in, and Steve Zisk has a video of site.
(7:11 PM) (5:37) Motion to issue the Certificate of Compliance made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.
6. (7:11 PM) (5:55) Request for Certificate of Compliance, (COC-DEP #143-0776) 76 Oak Street – William Staruk – Lake Manchaug Camping LLC – Possible Votes
The applicant is present to show commission the plans, the septic was done 14 years ago and there seems to be no Certificate of Compliance filed. Mr. Staruk just paid for another title 5 and proves that the whole system is where it should be. Mr. Zisk went out to the site and reported to the board that it all looked good, and he didn't have any issues with it, Mr. Zisk showed the commission the video he took on site.
(7:17 PM) (11:12) Motion to issue the Certificate of Compliance made by Art Montminy, Mark Mungeam. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.
7. (7:20 PM) (14:03) 30 Lackey Dam Road Uxbridge/Douglas – Harrison French & Associates to discuss process required to tie into the sewer connection on Lackey Dam Road.
Rich Defuso (remote) with HFA, they are doing the plans for the rebuild of the shell station and the sewer department is bringing the sewer line up the street and putting in a manhole that they can tie into which is in Douglas just over the Uxbridge line. He is here to find out what the process is in Douglas to be able to connect into this sewer manhole. The work that would be in Douglas is entirely in the paved road, which is trenching to install the sewer connection. They will submit a full plan to the commission once they know what the town requires of them. Steve Pedro with HFA present at meeting has a preliminary plan that shows the proposed sewer line coming from the shell property over to the manhole.
Board is considering this an except activity.

New Business:

8. (7:24 PM) (18:38) 7:00 PM (NOI-DEP #143-1049) **Public Hearing: Notice of Intent: Lot 6 Peter Michael Business Park Near 100 Davis Street. Earth Removal and Site work for wholesaling and processing of landscaping construction materials. JA Taylor Construction Company, Inc. & Second-Generation Partners, LLC – Possible Votes**

Filing involves earthwork and grading on approximately 12 of the 21-acre site, and work is proposed with the wetland buffer zones only. Engineer not present yet.

(7:26 PM) (20:46) **Motion to table this item to 7:45 PM made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.**

9. (7:27 PM) (21:15) 7:00 PM (RDA) **Public Meeting: Request of Determination of Applicability, 29 Shore Road, Dock Extension. Kenneth Hansen – Possible Votes**

Applicant is requesting permission to replace existing wooden stairs with new aluminum and PVC stairs of the same size and replace the existing wood plank and pipe dock with a new dock of aluminum and PVC that is 6 feet longer to 20 feet and one foot wider to 4 feet, and also resurface existing deck 90 square feet.

(7:33 PM) (27:28) **Motion to issue a negative determination of applicability made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.**

10. (7:34 PM) (28:02) 7:00 PM (NOI-DEP #143-10xx) **Public Hearing: Notice of Intent: 80 West Street: Septic Repair. Brian Cammuso – Possible Votes**

Carol Keegan with Allen Engineering, presented plans. The wetland is in the back of the property and the proposed septic is as close to the roadway as you can possibly get it and as far away from house as possible. It's a pump system, it is proposed to be 76.8 feet from the wetland line and the straw waddles are proposed to be 55.7 feet from the wetland line, all work is in the front of the house. Mr. Mungeam has no issues with the septic but he was wondering if it was in the jurisdiction of the commission to ask the applicants to reduce their lawn at the back to give a little bit of setback to the wetlands at the back. Mr. Zisk showed the video from the site, Mr. Mungeam was happy to see that there were a few feet of vegetation between the lawn and the wetlands line. Chair Tracy Sharkey stated that there is not active disturbance so the commission doesn't have the authority to do that.

(7:41 PM) (35:45) **Motion to continue public hearing to July 18, 2022, at 7 PM because there is not DEP # yet made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.**

Discussion:

(7:41 PM) (36:20) **Meeting Minutes: March 21, 2022, April 25, 2022, May 16, 2022 & June 6, 2022**

(7:41 PM) (36:43) **Motion to approve April 25, 2022, meeting minutes as presented made by Art Montminy, seconded by Mark Mungeam. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor. Tracy Sharkey abstains.**

(7:44 PM) (38:00) **Motion to approve May 16, 2022, meeting minutes as written made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.**

(7:44 PM) (38:28) **Motion to approve June 6, 2022, meeting minutes as written made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.**

New Business:

7:00 PM (NOI-DEP #143-1049) Public Hearing: Notice of Intent: Lot 6 Peter Michael Business Park Near 100 Davis Street. Earth Removal and Site work for wholesaling and processing of landscaping construction material. JA Taylor Construction Company, Inc. & Second-Generation Partners, LLC – Possible Votes

Michael Dryden with Allen Engineering on behalf of McIntyre Loam, and Tom McIntyre present. They are seeking an order of conditions for Lot #6 that is 21 acres in the industrial district. The closest disturbance is 51 feet. There are bordering vegetated wetlands on the east and north and the unnamed intermittent stream and the local bylaw requires a 50-foot minimum offset to the bordering wetlands and 100 feet to the stream and they have maintained those. Board went through the comments with the engineer. Mr. Mungeam asked if they could move the limit of work up to the buffer line near the vernal pool, and keep the slope that's going toward that isolated land subject to flooding from being disturbed. Mr. Dryden and Mr. McIntyre responded that they could pull the work back to that ridge. The they are shifting the limit of work to hook onto the existing 460 top right at the ridge. The commission asked for a list of all the items that will be revised on the plans.

(8:12 PM) (1:06:50) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

(8:13 PM) (1:07:10) Motion to issue the order of conditions with the conditions previously stated and a final plan date submitted made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

11. (8:13 PM) (1:07:40) 7:00 PM (NOI-DEP #143-0914) Public Hearing: Amendment Notice of Intent: 115 Shore Road. Robert & Diane Miller – Possible Votes

The proposed work involves site grading modification. For the record they applied for an amended notice of intent. The engineer for the project is present to show the commission the plans, they are looking to pull all the grading back and add some retaining walls, most of the site is already graded and the grass is growing and it's all stabilized. The only work that is left is the retaining wall and the stairs. The commission has concerns about the drainage with the retaining wall, and the grading on the plan is not clear. The commission would like to see a plan showing the existing and then the modifications in grading that the commission would like to see. The engineer showed the updated plans that Mr. Zisk had to the commission to show the modifications and the existing plan. The application is to eliminate approved handicap access ramp and proposed four-foot walkway in front of the house and proposing a four-foot walkway to the driveway. And eliminate approved grading toward the lake and install a retaining wall to keep existing natural grade. The water drainage will infiltrate in the front yard. The commission agrees that they would like to previously approved, the existing and then the proposed changes to the plan.

(8:42 PM) (1:36:26) Motion to continue the hearing to July 18, 2022, at 7:00 PM made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

12. (8:42 PM) (1:36:50) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 92 Martin Road. (New Single-Family Dwelling) John Mshooshian – Possible Votes

The proposed work involves construction of a single-family home, driveway, and deck within the 50-to-100-foot buffer zone to bww. Nicole Hayes with Goddard Consulting joined remotely. She stated that no work will occur within 25 feet of the wetlands and the building will be located outside the 50-foot buffer zone, and the driveway will be located outside the 10-foot buffer zone. The commission wants to know why it cannot be moved closer to the front because there

seems to be a lot of space up front that's outside of the buffer zone. Ms. Hayes stated that she thinks they wanted the space in the front because the septic is going there, and the plan is adhering to the setbacks as proposed. The commission would need an explanation for the plan because they are right at the 100 for the well. Ms. Hayes stated that she will look into the commissions concerns and suggestions. The commission would also like to see the proposed clearing limits for the project. There is also some concern about the drainage from the driveway going towards the wetlands, and the vegetation that is being proposed in the swale.

(8:52 PM) (1:46:52) Motion to continue public hearing to July 18, 2022, at 7:00 PM made by Eric Harris, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

13. (8:53 PM) (1:47:30) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Lot #1 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes

Project consisted of construction of a single-family home with septic system, well and driveway. Norman Hill with Land Planning joined the table with the commission to present an overview of the four lots proposed on tonight's agenda, they are waiting for Arthur Allen to confirm the wetland line and river front flags. He is going to ask for a continuance for about 6 weeks out. Mr. Zisk asked him to do an overview of the resource area plan, and he will go over that with the commission tonight. They are proposing about 10,000 square feet on Lot 1 of riverfront alteration, and about 10,000 square feet on Lot 2, and then they will have to do a deed restriction of the remainder of the land that says there will be no more riverfront alteration anywhere else on this property. The commission asked if he will have the calculations for riverfront disturbance on each plan, and an alternatives analysis, the floodplains should be on the plans associated along the riverfront and to have the plans submitted to 40 scale so it's easier to see the flags.

(9:00 PM) (1:54:50) Motion to continue public hearing to August 1, 2022, at 7:00 PM made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

14. (9:01 PM) (1:55:20) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Lot #2 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes

(9:02 PM) (1:56:38) Motion to continue public hearing to August 1, 2022, at 7:00 PM made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

15. (9:02 PM) (1:56:55) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Lot #3 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes

(9:04 PM) (1:58:12) Motion to continue public hearing to August 1, 2022, at 7:00 PM made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

16. (9:04 PM) (1:58:26) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Lot #4 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes

(9:05 PM) (1:59:37) Motion to continue public hearing to August 1, 2022, at 7:00 PM made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

Old Business:

17. (9:06 PM) (2:00:15) 7:00 PM (NOI-DEP #143-1045) Public Hearing Continued: Notice of Intent: 22 Conservation Drive – New Dwelling – Lackey Dam Properties, Inc. – Possible Votes

Jude Gauvin the engineer for the project joined remotely to discuss the revisions to the plans. He pushed the well location and the house and all the grading 15 feet towards the street. This reduced the riverfront disturbance area by 1000 square feet, he lowered the garage slab so there isn't a 12-foot drop. He is proposing a temporary disturbance around well area, that once the well is installed that it can be left to go back to its existing conditions. Attorney Roberti representing the applicant joined remotely and ran through the title and permit history for the commission. Commission asked if he found in his research how the 50 acres was never deeded to the town, Attorney Roberti responded that he did not find anything, there was no decision of the planning board ever recorded. The abutters have some questions about the buildability and the plan that was approved is different than the plan that laid out here. Mr. Zisk feels that Mr. Gauvin's plan is an improvement from the previous plan. The commission asked Mr. Gauvin to give a summary on the Simplified Wildlife Habitat Evaluations. Mitch with Goddard consulting went through the area and did not find any listed animal species using the specific impact area listed on the appendix A from the DEP guidelines. There was note of invasive species like oriental bittersweet and multi-floor rose. Susan Foley 29 Conservation Drive joined remotely had a concern about the driveway, and the commission stated that it will be addressed when they do the driveway permit. Ms. Foley also was concerned about what the septic will look like, if it will be a raised septic with a big mountain. Mr. Gauvin responded that there will be a mound on the south side that blends in with the existing topography.

(9:32 PM) (2:26:17) Motion to close the public hearing made by Art Montminy, seconded by Mike Greco. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

(9:33 PM) (2:27:40) Motion to issue a certificate of compliance due to no activity for DEP #143-0703 made by Mark Mungeam, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

(9:34 PM) (2:28:14) Motion to issue the order or conditions with the condition that the invasive onsite will be removed by hand made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

18. (9:35 PM) (2:29:03) 7:00 PM (NIO-DEP #143-1038) Public Hearing Continued: Notice of Intent: Whitin Reservoir Dam Operation & Maintenance Manual: Whitin Reservoir Watershed District – Possible Votes

No new information has been submitted. Steve Zisk is going to check if the work that was authorized has been completed.

(9:35 PM) (2:29:28) Motion to continue the public hearing to August 1, 2022, at 7:00 PM made by Art Montminy, seconded by Eric Harris. Roll call vote – Eric Harris, Art Montminy, Mike Greco, Mark Mungeam all in favor.

19. (9:35 PM) (2:29:50) 7:00 PM (NOI-DEP #143-1043) Public Hearing Continued: Notice of Intent: 0 Mumford Road & 5 Forest Street, Definitive Subdivision Plan Sutton Douglas Development, LLC.

The commission has the peer review in their packet from Graves Engineering, and all the comments have been acknowledged on the list. Jeff Walsh with Graves Engineering and Tim Flynn and Wayne Belec with Land Design Collaborative. After their site walk, they have submitted a red-lined version of the plans, specifically focusing on the ends of both cul-de-sacs. The commission requested if they could expand the footprint of the plunge pools at the end of the cul-de-sacs (road A and road C). After the tree clearing, they will be installing the storm water basins so they can attenuate the differences in the hydrology that will occur once those changes are made. Mr. Belec went through other revisions to the plans from comments. Jeff Walsh suggested using stump grindings instead of wood chips in the flatter areas. Susan Foley

Conservation drive would like to let the commission know that the residents near this project that the town dropped the ball on this project, and they are not pleased.

(9:56 PM) (2:50:30) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam all in favor.

(9:56 PM) (2:50:40) Motion to issue the order of conditions made by Mark Mungeam, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

20. (9:57 PM) (2:51:23) 7:00 PM (NOI-DEP #143-1048) Public Hearing Continued: Notice of Intent: 84 Webster Street: New Single-Family Dwelling – William Nelson Jr. – Possible Votes

Applicant was able to move the house over easterly to minimize the impact into that 50-foot buffer and steepened the grading up on the easterly side to cut down on the square footage of impact disturbance, and went over other revisions.

(10:04 PM) (2:58:13) Motion to continue hearing to July 18, 2022, at 7:00 PM made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

(10:04 PM) (2:58:37) Mitch MaSlanka his client at 161 Maple Street and wanted to know if he could discuss one item for a minor plan change, to shift the mitigation area 90 degrees so that the applicant does not have to build a retaining wall. The commission has not issue with the swapping of the areas; they do not want a retaining wall to have to go in either. Applicant is also concerned about the other side of the property with some dead trees and would like to cut the trees. She is afraid that once the approved barn is constructed that the trees would fall on the barn. They commission would like to see pictures and have the trees flagged. Have them put on the agenda for dead tree removal for July 18, 2022?

(10:15 PM) (3:09:06) Motion to adjourn made by Mark Mungeam, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, all in favor.

Upcoming Meetings: July 18, 2022, August 1, 2022, & August 15, 2022

Respectfully submitted,

Stephenie Gosselin, Recording secretary