

CONSERVATION COMMISSION MEETING
MONDAY, AUGUST 1, 2022
RESOURCE ROOM

Attendance: Vice-chair Katiegrace Dudley, Eric Harris, Mike Greco, Mark Mungeam, Steve Zisk Conservation Agent.

Absent: Chair Tracy Sharkey

Discussion:

1. (7:01 PM) (0:24) Reorganization of the Commission
(7:02 PM) (1:12) Motion to keep Tracy Sharkey as Chair and Katiegrace Dudley as Vice-chair made by Mark Mungeam, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
2. (7:02 PM) (1:45) Orders to be signed
3. (7:03 PM) (2:10) Meeting Minutes: March 21, 2022
(7:03 PM) (2:55) Motion to accept March 21, 2022, meeting minutes made by Mike Greco, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
4. (7:04 PM) (3:10) Request for Certificate of Compliance, (COC-DEP #143-0977) 41 Shore Road – Cheryl Prince – Possible Votes
Steve Zisk showed the commission the site walk video, this was a septic repair that was done in the front of the house and a couple of dead trees removed. Dan Friend and Cheryl Prince joined remotely and state that this replace the old septic from 1960's, and it is a 2500-gallon tank which was what was on the plans. Mr. Zisk stated that the board of health approved the installation of the new septic.
(7:14 PM) (13:03) Motion to issue the certificate of compliance made by Mark Mungeam, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
5. (7:14 PM) (13:30) Request for Certificate of Compliance, (COC-DEP #143-0740) 121 Webster Street – Joseph Vecchione – Possible Votes
Mr. Zisk state that he is still waiting to receive the as built plan, so they asked for a continuance.

New Business:

1. (7:15 PM) (14:00) 7:00 PM: (RDA) Public Meeting: Request for Determination of Applicability, 46 West Street, (Septic Repair) Chris Ryan – Possible Votes
Applicant is requesting permission to repair an existing septic system within 100-foot buffer. Les Stevens present to show commission the plans for the septic repairs, replace the tank and put the new septic field outside the 100-foot buffer. The board of health approved the plan in July 2022.
(7:19 PM) (18:41) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
(7:20 PM) (19:07) Motion to issue a negative RDA with the usual existing conditions made by Mark Mungeam, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

2. (7:20 PM) (19:48) 7:00 PM: (NOI-DEP # 143-1058) Public Hearing: Notice of Intent: 38 Hemlock Street. (New Single-Family Dwelling) – James Silva – Possible Votes

The proposed work involves construction of a single-family home, associated septic system and site grading. The engineer is present representing the owners of the property, he stated that there was an approved septic system for this property in 2005, and he went over the plans with the commission and the majority of the work is outside the buffer, there is only a 10-foot area of work being done that is in the 100-foot buffer of the wetlands. There are concerns from the commission and neighbor about the runoff from the proposed driveway. Mark Mungeam is concerned about the cut that the plans have into the water table to create the driveway. Mr. Zisk also questioned the disturbance of more than 10% of the riverfront. The engineer responded that changing the plans to mitigate the driveway runoff would mean additional work in the buffer. Mr. Mungeam asked about adding drainage pipes to the driveway, the engineer suggested shoulders on the side of the driveway. Mr. Mungeam would like to see the driveway be steeper instead of cutting so deep into the water table. The engineer responded that they could raise the driveway if the commission so chooses but it cannot go beyond 12%. The commission would like to schedule a site walk to evaluate the driveway situation and asked the engineer to stake the center line of the driveway. The commission discussed continuing to the 15th and at that meeting scheduling a site walk. Marcia McKenney 46 Hemlock Street stated her concern about the driveway runoff.

(7:39 PM) (38:33) Motion to continue to August 15, 2022, made by Mike Greco, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Old Business:

3. (7:39 PM) (38:56) Letter sent to Douglas Properties, LLC on the Emergency Certification Form issued July 3, 2021, for Shore Road, Parcel 299-7.161

Steve Zisk sent the letter to Cliff Van Reed and received an email back from Cliff and Douglas Properties and Fred Pollard that is in everyone's package, there is also a letter in the commissions package from the Miller's that Mr. Zisk received from their attorney today. The commission reviewed the email and stated that it did not contain what they requested which was a plan associated with that emergency certification form. The commission is still asking for a notice of intent that would include a plan. The question is who is responsible for submitting the notice of intent. Attorney Winner joined remotely and stated that one or both parties is responsible for the pipe, and they need to work it out amongst themselves as to who is going to be responsible for the filing, generating, and paying for the plan, etc. Attorney Winner suggests issuing the order to both parties, because the pipe is not shown on any plan, and he suggested that the commission not vote on anything until seeing that on the plan. It is an existing condition that is not shown on any plan as far as anyone has seen. The commission asked Attorney Winner is the only recourse they have is holding back on certificates. Attorney Winner stated that right now that is what is in front of them, do a letter then do a phone call and if there is still no response or no resolution the commission could take a more proactive approach with a form 9 which is an enforcement order. Glenn Kovalski from EBT Environmental Consultants Inc. the Miller's asked him to look at the site. Mr. Kovalski is being told by Raoul with photo and video documentation in contrast to what attorney Winner stated that the pipe does not go onto the Miller's property and ended at the road. Mr. Kovalski would like to see any documentation that the commission might have to show that it is on the Miller's property. Howard Potash attorney for the Miller's stated that Douglas Properties paid for the pipe and the installation of the pipe and the Miller's had nothing to do with the pipe except using Mr. Miller's

tractor at the request of Douglas Properties to save money to move some dirt around to help with the installation of the pipe. This pipe was being replaced because the solar farm was causing the road to erode and the pipe broke. Attorney Potash spoke to Attorney Henry Lane who represents Douglas Properties, and they don't want to do anything more because they feel they did their job by replacing the pipe. Attorney Potash stated that they have no jurisdictional right to force Douglas Properties to do anything further and right he is seeking approval for the amended plan for his clients the Miller's and is onboard with the commission decision to do a peer review. Attorney Potash states that there is no water problem on the Miller's property and is all due to the long-standing issue with the pipe in the road. The commission would like to get a hold of Douglas Properties, Mr. Zisk stated that he called and was told that Cliff was trying to join remotely. Jeanne Lawrence 119 Shore Rd questioned who owned the road, the commission stated that they aren't going to assume who owns the road because there is no documentation about that only that everyone has access to the road. Gregory Bentley 119 Shore Rd disagrees with Attorney Potash and argues that the construction of the Miller's property had crushed the pipe in the road. Mr. Bentley states that the Miller's accepted an 8-inch pipe when a 12-inch pipe was what was supposed to be installed. Mr. Bentley claims he has pictures and video of the water caused by the Miller property construction. Glenn Kovalski wanted to state for the record that that summer there were above normal rain fall amounts where the normal amount is 3.4 to 3.7 and we had three times that amount. The commission's decision is to send a letter to all parties requesting a NOI.

4. **(8:17 PM) (1:16:19) 7:00 PM (NOI-DEP #143-1024) Public Hearing Continued: Notice of Intent: Shore Road Lot 299 Parcel 7.16 – Cliff Van Reed – Possible Votes**

They asked for a continuance.

(8:17 PM) (1:16:23) Motion to continue to September 12, 2022, made by Mark Mungeam, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

5. **(8:19 PM) (1:18:10) 7:00 PM (NOI-DEP #143-0914) Public Hearing Continued: Amend Notice of Intent: 115 Shore Road – Robert & Diane Miller – Possible Votes**

The engineer stated that they were waiting for the peer review and never received any comments from anyone. Steve Zisk sent a comprehensive package to Graves Engineering and is still waiting to hear back from him what his cost proposal would be, and Mr. Zisk stated that if the Miller's want to approve the cost to expedite this then they don't have to wait till the 15th if the peer review comes in in the next couple of days, Mr. Kovalski stated that they would just like a copy of it before the final approval to see what the cost is. Attorney Potash would like to see a copy of the peer review to see the cost before approval and would like to state for the record that he objects to tying this to the pipe that they have no control over or to force Douglas Properties to do any further work.

(8:24 PM) (1:23:00) Motion to give authorization to the peer review provided that the Miller's and company are amenable to the price for the amended notice of intent made by Mark Mungeam, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Mr. Zisk asked about the peer reviews being linked and Vice-chair KG Dudley stated that she doesn't want them linked because she feels that no one will pay for them if they are linked. Mr. Kovalski requested a copy of the emergency order that was sent to Douglas Properties.

(8:27 PM) (1:26:50) Motion to continue to September 12, 2022, made by Mark Mungeam, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

6. (8:32 PM) (1:31:03) 7:00 PM (NOI-DEP #143-1054) Public Hearing Continued: Notice of Intent: **Lot #1 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes**

Norman Hill with the consulting firm of land planning is giving an overview of the plans to the commission. Ms. Pepka owns over 20 acres on the south side of Walnut Street, there is a river and some wetlands through the property. They are staying as far away from the river front as possible. They want to create 4 frontage lots, and they are in front of the commission tonight because they are with the buffer to wetlands. He flagged all of the river and the wetlands so Arthur Allen could go out and check the flags, he has agreed with all of the flags except two which he has relocated, and they had Arthurs new flags surveyed and the current plans show Arthur's new flags. There is no building within 50 feet of the wetlands and all septic systems are more than 100 feet from the wetlands and more than 200 feet from the river. There is a special consideration regarding riverfront, they would like to do a deed restriction saying they will not have any more riverfront disturbance in exchange for doing an aggregate to the riverfront to two of the proposed lots. The peer review is in the commission's packets. Mr. Zisk is requesting a 40-scale plan to be able to see more of the wetlands and the entire surrounding area of the proposed septic, so he can do a more proper review of each individual site, and mentioned the Art Montminy was asking about some previous violations with the property with forestry. Mr. Hill is not aware of any violations on the property and was told that the forestry was all signed off on. The commission was discussing doing a site walk. The commission asked if Mr. Hill could have the driveway entry points marked and the building units for the site walk. They scheduled a site walk for August 14 at 10:30 AM. Mr. Hill requested a continuance to August 15, 2022.

(9:03 PM) (2:02:13) Motion to continue for Lot 1 to August 15, 2022, at 7:00 PM made by Mark Mungeam, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

7. (9:03 PM) (2:02:40) 7:00 PM (NOI-DEP #143-1055) Public Hearing Continued: Notice of Intent: **Lot #2 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes**

The driveway is in the 100 to 200 foot and a little bit of the garage is in the 100 to 200 foot. Mr. Mungeam asked if he considered doing a common driveway to be able to move it outside of the buffer zone. Mr. Hill responded that he thinks it better to have separate ones so that people don't fight over who is responsible for what.

(9:07 PM) (2:06:08) Motion to continue Lot 2 to August 15, 2022, at 7:00 PM made by Mark Mungeam, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

8. (9:07 PM) (2:06:40) 7:00 PM (NOI-DEP #143-1056) Public Hearing Continued: Notice of Intent: **Lot #3 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes**

The well is with the 25-foot buffer, Mr. Mungeam asked if he could move it to be outside that buffer. Mr. Hill will move the well and revise the plan to reflect that. Steve Zisk suggested showing decks and a shed on the properties, so Mr. Hill will add those to the plans as well.

(9:10 PM) (2:09:48) Motion to continue Lot 3 to August 15, 2022, at 7:00 PM made by Mike Greco, seconded by Mark Mungeam. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

9. (9:11 PM) (2:10:11) 7:00 PM (NOI-DEP #143-1057) Public Hearing Continued: Notice of Intent: **Lot #4 Walnut Street. (New Single-Family Dwelling) Mary Pepka – Possible Votes**

Mr. Hill will move the well for this lot to be outside the 25-foot as well and will move the house towards the road about 5 to 10 feet and get it away from the 50-foot buffer.

(9:13 PM) (2:12:43) Motion to continue Lot 4 to August 15, 2022, at 7:00 PM made by Eric Harris, seconded by Mike Greco. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

10. (9:14 PM) (2:13:12) 7:00 PM (NOI-DEP #143-1038) Public Hearing Continued: Notice of Intent: Whitin Reservoir Dam Operation & Maintenance Manual: Whitin Reservoir Watershed District – Possible Votes

The asked for a continuance until they completed their survey.

(9:14 PM) (2:13:40) Motion to continue to August 15, 2022, made by Mike Greco, seconded by Eric Harris. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meetings: August 15, 2022, September 12, 2022 & October 3, 2022

(9:15 PM) (2:14:30) Motion to adjourn made by Mike Greco, seconded by Mark Mungeam. Roll call vote Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary