

CONSERVATION COMMISSION MEETING  
MONDAY, AUGUST 15, 2022  
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Vice-chair Katiegrace Dudley, Mike Greco, Eric Harris, Mark Mungeam, Joseph Fitzpatrick, Steve Zisk Conservation Agent

Vice-chair Katiegrace Dudley calls meeting to order at 7:05 PM.

Discussion:

1. (7:05 PM) (0:15) Orders to be signed: There are 3 orders to be passed around to the members to be signed
2. (7:05 PM) (0:25) Meeting Minutes: June 27, 2022: Members did not review minutes yet.
3. (7:05 PM) (0:45) Request for Certificate of Compliance, (COC-DEP #143-0740) 121 Webster - Joseph Vecchione – Possible Votes  
Steve Zisk does not have an as built yet.
4. (7:06 PM) (1:36) Request for Certificate of Compliance, (COC -DEP #143-0972) 84 Bigelow Road – Richard Fuller – Possible Votes  
As built is in member's packets, this is a septic repair, Mr. Zisk has a site visit video to show the commission. Margaret Bacon with Civil Site Engineering is present to go over the plans, and she is looking for a certificate for the septic repair.  
(7:08 PM) (3:25) Motion to issue the certificate of compliance made by Mike Greco, seconded by Eric Harris. Roll call vote – Mike Greco, Eric Harris, Mark Mungeam, KG Dudley all in favor. Joseph Fitzpatrick abstained.
5. (7:08 PM) (3:54) Request for Certificate of Compliance, (COC-DEP #143-0703) Conservation Drive, Lot 11R aka 22 Conservation Drive – Possible Votes  
This was done 7 or 8 years ago and was resubmitted and already approved last meeting, procedurally this one must be closed out before recording the new one.  
(7:09 PM) (4:20) Motion to issue the certificate of compliance made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – Mike Greco, Eric Harris, Mark Mungeam, KG Dudley all in favor. Joseph Fitzpatrick abstained.

Old Business:

6. (7:09 PM) (4:44) Letter sent to Douglas Properties, LLC on the Emergency Certification Form issued July 3, 2021, for Shore Rd, Parcel 299-7.161 – Possible Votes  
Mr. Zisk updated the commission on this matter, Douglas Properties did not receive the letter in time to make the deadline dated in the letter but were able reach the applicant and ask that they come in to speak to the commission. They are going to come before the commission and a letter was also sent to the Miller's and their response was dated August 11, 2022, both parties are here tonight in response to the letters. The commission was requesting the filing for the after the fact notice of intent. Attorney Winner summarized that the commission was looking for a plan that showed where this pipe was installed and what was planned for it. The response letter from Attorney Potash representing the Miller's and commits the Miller's to doing the pipe work and looking for approval of an amended plan which is pending now. Attorney Howard Potash stated that his clients will put in a concrete pipe, a portion of the pipe is on Douglas Properties land so they would have to give the Miller's permission to do the work. The research

done shows that it will take about a week to get the pipe and 4 to 6 weeks wait to have it installed and the Miller's will pay for the materials and the labor. The conditions the Millers are requesting is that they receive written permission to go the property of Douglas Properties, LLC, and the amended plan for the walkway and the wall approved prior to doing the pipe work, and finally the Miller's do not want to hear any more complaints from all the abutting neighbors about the pipe.

The commission would like to have the size of the pipe double checked to make sure a 12-inch pipe would be the appropriately sized pipe for the area. The engineer stated that this calculation will add additional cost to the project and stated that all the other pipes are 12-inch pipes and if this one needs to be bigger than all the other pipes will need to be replaced as well. Chair Tracy Sharkey asked if they two plans will be blended together and Attorney Potash stated that he would rather submit a separate plan showing the pipe and a separate plan for the amended plan for his client's walkway and wall to be approved, because most of the pipe is on Douglas Properties, property. The commission has the peer review that was just received today and will need to review it to determine whether they are moving forward with the amended plan. The peer review said approximately 3 weeks of the receipt of the client signed work order and the cost is \$5,500.00. The commission stated that if the plans are not going to be blended then they will request a separate notice of intent filing for the pipe, and the engineer did put the pipe on the plan. Attorney Potash stated that he would still like to see separate plans, the Miller's already have an amended plan just showing their property lines and the wall and the walkway. Attorney Winner stated that it would be in the best interest of the Miller's to blend the plans because it would save them time and money, so they don't have to file another notice of intent for a separate pipe plan. The Miller's engineer asked how he can work on property that is not the Miller's if the notice of intent was for the Miller's property. Attorney Winner stated that he would only have to get the permission of Douglas Properties and that it is not a permitting issue. The commission reviewed the peer review and are satisfied with the results. Attorney Potash stated that his clients the Millers don't want to accept the amount of \$5,500.00 for the peer review, they feel that it is too much. Town Council Attorney Winner stated that this is something that they can discuss outside of the meeting, and it is not on the agenda. Attorney Henry Lane representing Douglas Properties, LLC stated that they appreciate the Miller's offer to take care of the pipe issue and that they are happy to consent to filing an amended notice of intent to include the pipe that is going to be on their property with the usual conditions that the work is done by an insured contractor and that it is a 12-inch pipe. Chair Tracy Sharkey stated that the work order for the Douglas Properties peer review is in so Mr. Zisk will forward it to Douglas Properties.

#### **New Business:**

##### **7. (7:48 PM) (43:06) 7:00 PM (NOI-DEP #143-1059) Public Hearing: Notice of Intent: 136 Perry Street – (Sunroom Addition to Single Family Dwelling) – Eric Brunelle – Possible Votes**

Kate O'Donnell from Petrotech representing applicant to present the plan. This addition is located approximately 44-feet from the wetland at its closest point which is slightly within the 50-foot setback, however all the work is located with existing lawn and the proposed addition is located further away from the wetlands than the existing pool and the deck on the property. The current deck is going to be removed that is currently in the 50-foot setback. They are also proposing a straw waddle and silt fence erosion control barrier at the limit of work. There is not foundation it will be on big feet sonotubes. The commissions conditions are an edit to the erosion control limit of work line, no machinery or stockpiling with the 100-foot buffer, no

grading, plan showing the deck is being removed and indicate where the stockpile will be. Chair Tracy Sharkey asked Ms. O'Donnell to edit the plan and draw the new erosion control line, deck being removed and stockpile location right now.

**(8:02 PM) (57:27) Motion to close the public hearing made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.**

**(8:02 PM) (57:45) Motion to issue the order on conditions with the previous conditions mentioned made by KG Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.**

8. **(8:04 PM) (59:13) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Southwest Main Street, Assessors Map 257 Parcel 3 & 4 (New Single-Family Dwelling) – Barbi Family Trust – Possible Votes**

This was not advertised in time so this will be passed over tonight.

**Old Business:**

9. **(8:04 PM) (59:30) 7:00 PM (NOI-DEP #143-1058) Public Hearing Continued: Notice of Intent: 38 Hemlock Street – (New Single-Family Dwelling) – James Silva – Possible Votes**

The engineer for the applicant is showing revised plan, the concerns of the commission were the driveway and the drainage, only a small section of the driveway is in the 200-foot riverfront and a small section is in the 100-foot buffer zone. The beginning of the driveway is a 6 or 7 percent slope and goes to a 12 percent slope all the way and add a couple feet to get it out of the water table. They also added a water quality swale and an infiltration basin. The commission just received the plan today and they would like to schedule a site walk to the property. The site walk will be 10:30 AM on Saturday August 20, 2022, and ask that the engineer stake the center of the driveway.

**(8:09 PM) (1:04:24) Motion to continue hearing to September 12, 2022, at 7:00 PM made by Katiegrace, seconded by Mark Mungeam. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.**

10. **(8:09 PM) (1:04:48) 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 Land Planning representing applicant who has 25 acres of land in the southwest portion of the town. Wetland were flagged, river was flagged, and they did an official perk test and created four lots that were approved by the Planning Board, there was a site walk done on Sunday and Arthur Allen has checked all the flags. Proposed work will not be within 100-feet of the river or within 50-feet of the wetlands, but they are proposing work within the 100-foot buffer and the 200-foot riparian. The applicant is willing to do a deed restriction that no other riverfront area will ever be touched on these 25 acres. The commission would like to see the deed restriction done before the first sale of a lot.

**(8:18 PM) (1:13:06) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.**

**(8:18 PM) (1:13:24) Motion to issue the order for Lot #1 Walnut Street with previously discussed conditions made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.**

The commission would like to see that the driveways are marked as paved on the plan so it would be already approved as paved regardless of whether the buyer paves or not.

11. (8:20 PM) (1:15:50) 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 and the garage are in the 100-200 foot, the well is about 70 feet from the wetlands and not proposing to alter any wetlands.  
(8:22 PM) (1:17:50) Motion to close the public hearing made by Katiegrace Dudley, seconded by Mark Mungeam. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.  
(8:23 PM) (1:18:06) Motion to issue the order of conditions for Lot #2 with the deed restriction transfer prior to property sale and driveway can be paved or gravel made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.

12. (8:23 PM) (1:18:40) 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**  
Mr. Hill moved the well outside the 25-foot buffer and rotated the house outside the 50-foot buffer, the house is within the 100 but more than 50.  
(8:25 PM) (1:20:15) Motion to close the public hearing made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.  
(8:25 PM) (1:20:31) Motion to issue the order of conditions for Lot #3 Walnut Street made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.

13. (8:25 PM) (1:20:55) 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**  
The house is between 100 and 50 and rotated the house to be further from the 50 and moved the well out of the 25 and added a deck and a shed to the plans.  
(8:26 PM) (1:21:30) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.  
(8:27 PM) (1:22:35) Motion to issue the order of conditions for Lot #4 Walnut Street made by Mike Greco, seconded by Katiegrace Dudley. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.

14. (8:28 PM) (1:23:11) 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**  
Steve Zisk stated that they are still waiting to finish the survey on the invasive species, he will have them come in on the 12<sup>th</sup> to give an update because it has been a while, Chair Tracy Sharkey stated that an email with an update would suffice.

Upcoming Meetings: September 12, 2022, October 3, 2022 & October 17, 2022

(8:30 PM) (1:25:00) Motion to adjourn meeting made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Joe Fitzpatrick, Mike Greco, Eric Harris, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary

