

APPROVED 2/6/2023

**CONSERVATION COMMISSION
MONDAY, OCTOBER 17, 2022
RESOURCE ROOM**

Attendance: Chair Tracy Sharkey, Vice chair Katiegrace Dudley (remote), Eric Harris, Mike Greco, Steve Zisk Conservation Agent.

Absent: Mark Mungeam, Joe Fitzpatrick

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

Moment of silence for the passing Louis Tusino, it has been one year.

Discussion:

1. **(7:06 PM) (0:49) Meeting Minutes: August 1, 2022 & August 15, 2022**
(7:07 PM) (1:41) Motion to approve August 1, 2022, minutes as amended made by Eric Harris, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.
The Commission will hold August 15 until next meeting.
2. **(7:09 PM) (3:38) 2023 Meeting Schedule: Possible Votes**
The Commission will hold until next meeting when there will be more members present.
3. **(7:09 PM) (3:48) Shore Road Peer Review Discussion with Graves Engineering, Inc.**
Jeff Walsh with Graves Engineering joined remotely, the commission asked for clarification on his estimate. Mr. Walsh stated that he understands that there is no design engineer and was concerned that he would serving that role. He wanted to make sure that he was not pigeonholed into being thought of as the design engineer or even asked to provide design services and that he was just giving the commission his opinion on the 12-inch pipe. He wanted to make what he was being asked to do was clear between Graves and the Commission. The commission was requesting the review of the 12-inch culvert, and they do not Graves designing anything if there is no design done. The commission was looking for some to say that the 12-inch is acceptable for the area. Mr. Walsh would be against providing estimates of flow to the culvert area and then comparing hydraulic capacity of a 12-inch culvert. The commission thinks that Graves' scope of work should just address the proposed replacement of the 12-inch pipe and then with that calculation, the commission can make a determination. If they found that, the 12-inch was suitable that would be sufficient for the commission for the review.
(7:17 PM) (11:50) Motion to authorize the peer review not exceed \$3000.00 for the Shore Road Culvert analysis made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.
4. **(7:19 PM) (13:13) Project Update 105 & 123 Gilboa Street (DEP #143-1042) CRG Services Management, LLC.**
Todd Morey with Beals Associates joined the meeting remotely to address the commission concerns about the project. They went out to project site on Friday to check the erosion controls and they looked good, they noticed between the building and the pond, they put the erosion controls 30 closer to the building than it needed to be which was good. They are just about wrapped up with the tree clearing and they are not going to do any earthwork yet. Without anyone's knowledge, McIntyre Loam has been removing materials from the site estimated at about 75K yards, which is huge problem. CRG is in discussion with them. Tracy

Sharkey would like Mr. Morey to have that calculation of yards removed submitted to Matt Benoit, the Community Development Director. The commission will authorize the peer review environmental monitoring with Ecotech as it relates to the order of conditions. Todd Morey stated that they used a drone to pick up the contours or what was originally there compared to about the middle of last week and that is how they got the yardage amount of materials that have been removed. The plan is to get McIntyre to stop removing material, fly the drone again, and get a total of the yardage removed.

5. **(7:35 PM) (29:20) Request for Certificate of Compliance, (COC-DEP # 143-1030) (Clerical error) 54 Yew Street – Orbison Corp – Possible Votes**

The certificate of compliance was recorded twice due to the error in DEP #.

(7:36 PM) (30:29) Motion to issue the certificate of compliance for 54 Yew Street with the revision to the DEP # correction made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

6. **(7:36 PM) (30:55) Request for Certificate of Compliance, (COC-DEP #143-0768) 13 Yew Street – Scott & Debra Valis – Possible Votes**

Back in 2007 there was a violation on the property, they started building horse stables and the commission gave a cease and desist and requested they file a notice of intent. They filed the notice and have not done any other work since the violation; they also submitted an as built plan with the notice filed so the order of conditions was approved with the as built plan. They recorded the order of conditions back in 2008 and now it is coming up on the title search because they are looking to sell the property.

(7:40 PM) (34:12) Motion to issue the certificate of compliance made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

7. **(7:41 PM) (35:16) 115 Shore Road (DEP #143-0914) emails from Madeline Meyers on the work being done at 115 Shore Road.**

This is just a note for the commission to review for the record until the hearing is opened on 115 Shore Road.

Old Business:

8. **(7:41 PM) (35:45) 7:00 PM (NOI-DEP #143-1062) Public Hearing Continued: Notice of Intent: 159 Wallum Lake Road, Lot 1, (Single-Family Dwelling) Steven Packard – Possible Votes**

A new plan was submitted, Peter Engle with McClure Engineering and stated that they took care of the only issue that was brought up, which was a permanent anti-creep put along the wood line. They put a row of boulders with the requested signage.

(8:46 PM) (40:45) Motion to close the public hearing made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

(8:47 PM) (41:08) Motion to issue the order of conditions with the standard conditions with revised plan date of October 5, 2022, made by Eric Harris, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

9. **(7:47 PM) (41:53) 7:00 PM (NOI-DEP #143-0914) Public Hearing Continued: Amend Notice of Intent: 115 Shore Road. Robert & Diane Miller – Possible Votes**

Ms. Sharkey would like to send a message that if the applicants are not going to be present in person for the hearing that they request a continuance in writing. The board needs to be aware that the order on conditions has expired today, and they cannot give an extension so any activity is in violation of the commission and the Wetlands Protection Act. Ms. Sharkey believes that all activity should cease and that the commission needs to send them a notification that their order has expired and any additional work they will have to file for a new order of

conditions. Ms. Sharkey seems to think that this amended order cannot be granted by the commission because it has expired. Steve Zisk will talk with legal counsel tomorrow to see if he can draft up the letter to send when he does the emergency order. Mr. Zisk asked the applicant for an update after Madeline Meyer's letter was submitted and he has not heard back from the Millers yet. Mr. Zisk also did a site walk on Friday in the rain and took a video of the wall. Ms. Sharkey and Mr. Zisk discussed that the applicant may have a grace period because of COVID regulations for their time of filing. Ms. Lawrence 119 Shore Road stated her concern about the applicant continuing to do work regardless of a stop work order. Madeline Myers 117 Shore Road and her daughter just wanted to reiterate her concern about the water runoff and the capacity of the pipe and wanted to let the commission know that they appreciate them looking into all of these concerns. Ms. Meyers wanted the commission to know that the wall area has been raised much higher than it was previously and she is very concerned about that. Ms. Sharkey stated to the neighbors that joined remotely that they need to contact the zoning enforcement officer and request that the special permit be enforced if they feel that it is not matching up with what was presented.

(8:09 PM) (1:03:50) Motion to continue the amended notice of intent to November 7, 2022, at 7:00 PM made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

10. (8:11 PM) (1:05:05) 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

The commission has a request for continuance for Margaret Bacon until they have further confirmation that the drainage issues have been resolved.

(8:11 PM) (1:05:50) Motion to continue hearing to December 5, 2022 at 7:00 PM made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

The Van Reed's were wondering about any updates on the pipe replacement updates. Mr. Zisk will add them or their attorney Henry Lane to the emails sent about the updates.

(8:13 PM) (1:07:25) Steve Zisk mentioned that there is a voucher for the commission to sign and something from Massachusetts Association of Conservation Commission that Ms. Sharkey will read for the public, dated October 11, 2022, from the MACC

Dear Board of Selectmen, I am very pleased to inform you that Eric Harris associated with the Douglas Conservation Commission successfully completed eight units of the Massachusetts Association of Conservation Commissions fundamentals for Massachusetts conservation Commissioners training program and has received a certificate of achievement for that accomplishment.

Congratulations to Eric Harris for his work and accomplishment, and congratulations to Katiegrace Dudley for just having a baby.

Upcoming Meetings: November 7, 2022 & December 5, 2022

(8:15 PM) (1:09:54) Motion to adjourn the meeting made by Eric Harris, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, KG Dudley & Tracy Sharkey all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary