

CONSERVATION COMMISSION
MONDAY, DECEMBER 5, 2022
RESOURCE ROOM

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

Absent: Joseph Fitzpatrick

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

Discussion:

1. Orders to be signed:
2. (7:02 PM) (0:15 TS) Mail:
 - Letter from William C. Henchy, LLC, Requesting for Superseding Order of Conditions Whitin Reservoir District DEP file No. 143-1038
 - Graves Engineering, Inc. Report to Douglas Planning Board & Conservation Commission on Wallum Lake Solar Project As-Built Plan Review.
They have not commenced any activity within the commission's jurisdiction; the order is still open and valid.
3. (7:02 PM) (0:42 TS) Meeting Minutes: September 12, 2022 & October 3, 2022
(7:03 PM) (1:27 TS) Motion to approve the September 12, 2022, meeting minutes as written made by Mike Greco, seconded by Mark Mungeam. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.
4. (7:04 PM) (2:14 TS) Discussion on adding meeting on Monday December 19, 2022.
The commission is not going to add this meeting.
5. (7:04 PM) (2:58 TS) Request for Extension on Order of Conditions (DEP #143-0956), Phyllis Charpentier, Manchaug Pond Foundation – Possible Votes
(7:05 PM) (3:35 TS) Motion to grant the extension on the order of conditions made by Mike Greco, seconded by Eric Harris. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.
6. (7:05 PM) (3:57 TS) Request for Certificate of Compliance (DEP #143-0928), Paul Bernier – 245 Southwest Main Street – Possible Votes
This was a septic and the owner is also requesting to remove two dead pine trees, Steve Zisk showed the commission the video site walk. One of the trees is outside the commission's jurisdiction and the other tree is a double tree. The commission asked the applicant to point out the trees requesting to be removed on the plan.
(7:14 PM) (12:56 TS) Motion to grant the certificate of compliance with the permission to remove 2 dead pine trees with no stumping made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.
7. (7:15 PM) (13:25 TS) Request for Replication bond Release (DEP #143-0969), 149 Southeast Main Street, David Mackenzie – Possible Votes
The commission already approved this, so they are just signing this tonight
(7:16 PM) (14:00 TS) Motion to release the replication bond made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

8. (7:16 PM) (14:17 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042) Ecotech Review Proposal for third party Environmental Monitoring – Possible Votes

Todd Morey with Beals Associates stated that they went over the proposal and received a check and sent it in.

(7:17 PM) (15:33 TS) Motion accept the Ecotech review proposal made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

9. (7:17 PM) (15:53 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042) Request to Expand Clearing Limits.

Todd Morey with Beals Associates stated that they found some areas of unsuitable materials that they do not want to put under a building, they would like to find other areas on the site they can mine some gravel and put those materials where they will not cause issues with building. They propose to spread some topsoil over it and seed it and replant it with similar species of trees for restoration.

10. (7:21 PM) (19:55 TS) Letter of Intent for Walnut Street 61b Land, Map 262 Parcels 3.2, 5 & 6, Mary Pepka – Possible Votes

This was the 28 acres that the commission approved a couple years ago with the conservation restriction riverfront area. This request is to remove these parcels out of 61b designation and the commission only has copy of the parcel 3.2 purchase and sales agreements for \$110k.

Attorney Brian Winner stated that the commission could only vote on the one parcel they hold the paperwork for tonight. The commission feels that the request does not meet the requirements, and they recommend that the board of selectmen do not act on the town's first refusal for Lot #1, which is a portion of parcel 3.2. Some members feel that they would like to see the valuation of parcels 5 & 6 as well before they take a vote on the recommendation of this item. Ms. Sharkey stated that she is not in favor of recommending that the town purchase these parcels. Mr. Mungeam wondered about going forward with the recommendation being split. Ms. Dudley stated that she is not in favor of the recommendation to the selectmen to refuse.

(7:40 PM) (38:06 TS) Motion to recommend to the board of selectmen to investigate the potential purchase of parcel 3.2 based on the investigation of the surrounding areas specifically parcels 5 & 6 and the value to the town made by Katiegrace, seconded by Mark Mungeam. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

11. (7:42 PM) (40:35 TS) Project Update (DEP #143-1041) Douglas Water/Sewer Dept., Stantec – Possible Votes

Bob Minarik and the representative from Stantec went over the project updates and changes with the commission. The contractor is proposing an alternative layout to the pump station that they feel will benefit the town's schedule and budget, involves moving the generator closer to the gate and moving the pump station 5 to 10 feet away from the existing pump station.

(7:50 PM) (48:38 TS) Motion to approve the change to the layout of the pump station made by Mark Mungeam, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

- (7:50 PM) (48:55) Items unanticipated 48 hours prior to the meeting.

Bob Minarik Economic Development stated that there has been a movement underway to construct a secondary emergency access road to the high school. The area to improve right now to give immediate access is the path behind the high school that is 300 feet which is outside of the commission's jurisdiction that connects to the area where plowed snow is currently dumped. The area that is in the commission's jurisdiction they will not be

touching but it is passable and plowable right now. Mr. Minarik stated that they could possibly get secondary emergency access before Christmas for public safety reasons. There are more plans that will be in the commission's jurisdictional area that will be in the springtime that they plan to discuss over the winter in concom meetings. The closest part of the proposed work area to the jurisdictional area is at least 100 feet away from the 100-foot buffer.

(7:55 PM) (53:00 TS) 35 Wallis Street Boathouse.

The applicants are requesting to change the piers and sonotubes for the boathouse to a full foundation. The commission feels that this proposal may be more impactful and would like to see the plans showing the impact. The commission asked what is the the additional disturbance that will have to be done to install the frost wall versus the piers. The response was there will be slightly more excavation that will allow for a cleaner line of excavation.

(8:11 PM) (1:09:55 TS) Motion to allow the substitution from the big feet precast piers to the frost wall foundation with the condition that it is no closer than what was previously approved and that the work shall be completed within two days of commencement and Steve Zisk is to inspect before any activity commences made by Katiegrace Dudley, Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Tracy Sharkey all in favor, Mark Mungeam not in favor.

New Business:

12. (8:13 PM) (1:11:00 TS) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 83 Island Road, Assessor's Map 174 Parcel 2 (New Single-Family Dwelling) – Barbara Van Essendelft – Possible Votes

The engineer stated the proposed work involves constructing a single-family dwelling with private septic, well and driveway with 100-foot buffer. The applicant will be addressing the DEP comments in a revised plan. Steve Zisk showed the commission a site walk video. Mr. Zisk's comments for revision are 18-foot wide driveway, the wells proposed with a PR to be shown on the revised plan, the commission asked that the requested trees to be removed be marked on the plan, providing an explanation on the encroachment as well as the terrace, and a dimension for existing closest for the deck portion, and clarify the activity of repair maintenance of existing stone wall along edge of water. The commission would like to know about loss of shading from removing trees for the next meeting.

(8:42 PM) (1:40:25 TS) Motion to continue the public hearing to January 9, 2023, at 7 PM made by Katiegrace, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

The commission will take a site walk on this property.

13. (8:43 PM) (1:41:21 TS) 7:00 PM Amended NOI-DEP #143-0967), Notice of Intent Minor Plan Change, 170 West Street, Douglas Renewable Solar, (Solar Project) Jeffrey Murphy – Possible Votes

The proposed work involves additional work within bordering vegetated wetlands and 100-foot buffer zone to support the point of utility interconnection for the constructed solar energy project. Jeff Murphy civil engineer with Beals and Thomas on behalf of the applicant, they came before the commission last month for an RDA for some additional tree clearing work associated with the utility interconnection for the solar array, which is now constructed. The final remaining work is to install the utility interconnection, which National Grid has already installed the poles where they were to go, the issue now is that some of the trees overhang the corridor where the wires need to go. There are some additional trees along the line of the previously

approved line of work that would need to be removed. They do not plan to stump any of the trees, only cutting them. Glenn Krevosky 601 Main Street North Oxford asked if there is additional wetlands alteration under this request to amend, Mr. Murphy stated that was correct.

(8:58 PM) (2:00:25 TS) Motion to approve the request for a plan change to remove 9 additional trees and replace those trees with 10 high bush blueberry plants made by Mark Mungeam, seconded by Katiegrace Dudley. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

14. (9:03 PM) (2:01:15 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 209 Southwest Main Street, (Tree Removal) Marybeth Mello – Possible Votes
The applicant is requesting permission to remove 2 dead hazardous trees.

(9:04 PM) (2:02:30 TS) Motion to close the hearing for Douglas Renewable Solar 170 West Street made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

Mark Mungeam is recusing himself from this discussion because he is an abutter. Mr. Zisk showed the commission a site walk video of the property and the requested trees; the applicant Marybeth Mello is ok with leaving the stumps.

(9:07 PM) (2:05:32 TS) Motion to issue a negative RDA with the condition that the stumps will remain made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

Old Business:

15. (9:07 PM) (2:05:55 TS) 7:00 PM (NOI-DEP #143-1065) Public Hearing Continued: Notice of Intent: Lot 2R, 21 Birch Street, Assessor's Map 146 Parcel 26.1 (New Single-Family Dwelling) – Judy Barron – Possible Votes

The revised plans were submitted on Saturday and there were some concerns about the site walk. Bob Murphy representing the applicant stated that there were several questions at the site walk and one was a revised plan to show a revision change to the erosion controls, so he added straw bales to the lower line with silt fence and more information relative to how the straw bales would be installed. There was also a question about the type of stonewalls there were going to be built, so Mr. Murphy provided pictures for the commission to review. Another question that came up was the type of base material that was going to be used in the driveway, they will be using crushed granite stone the kind that is used airports like Logan airport and DEP highways it is ASTM 136. The question about the timetable of the project was asked as well and Mr. Murphy handed out a written timetable to the commission. There was also mention of wanting to see drainage for the building so they added a substantial Caltech chamber infiltration system; they also added a turnaround near the garage. The septic system has been approved by the board of health already. Mr. Mungeam asked to show the tree line on the plans and if the grading could be adjusted or prove that no more water than before will be existing to any neighboring property, Mr. Murphy responded that he would raise the height of the wall and put a swale before the wall.

(9:32 PM) (2:30:10 TS) Motion to continue the public hearing to January 9, 2023 at 7 PM made by Katiegrace Dudley, seconded by Eric Harris. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

16. (9:32 PM) (2:30:45 TS) 7:00 PM (NOI-DEP #143-1064) Public Hearing Continued: Notice of Intent: Lot 3R, 19 Birch Street, Assessor's Map 146 Parcel 26.2 (New Single-Family Dwelling) – Judy Barron – Possible Votes

They did similar revisions to this lot as the previous one. This Lot has the same timetable conditions as the previous site as well. Mr. Zisk will review the revisions to the plans before the next meeting.

(9:37 PM) (2:35:32 TS) Motion to continue the public hearing to January 9, 2023 at 7 PM made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

17. (9:38 PM) (2:36:00 TS) 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 applicant requested a continuance and Ms. Sharkey stated that they may need to re-notify abutters because of how long this has been without any update or progress, she will double check the regulations on that and will let them know.

(9:41 PM) (2:39:20 TS) Motion to continue the public hearing to January 9, 2023 at 7 PM made by Katiegrace Dudley, seconded by Mark Mungeam. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

18. (9:41 PM) (2:39:35 TS) 7:00 PM (NOI-DEP #143-0914) Public Hearing Continued: Amend Notice of Intent: 115 Shore Road – Robert & Diane Miller – Possible Votes

- Update from Town Counsel**

The town is still waiting on the peer review for the pipe, it has been authorized and should have it this week, this will wrap up the pipe review and the agreement we have with the members and their Council. Attorney Winners understanding is that the application for the amended notice of intent has been withdrawn on October 3, 2022. The third item is the certificate of compliance as to the underlying order of conditions, a plan was provided reflecting the as-built plan and Attorney Winner received the application for the certificate of compliance on Friday so he will provide the commission with that so they can review that because there was not one submitted before. Attorney Potash stated that tonight they are requesting a certificate of compliance with a plan, which shows a couple of minor changes that he read to the commission. It is Attorney Potash's intent to withdraw the amended application before the commission tonight.

(9:50 PM) (2:48:00 TS) Motion to accept form the applicant to withdraw the application for the amended notice of intent made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

The conservation commission never received the application for certificate of compliance in order to add it to tonight's agenda. Mr. Krevosky stated that they will provide the commission with the full request for a certificate of compliance with an as built.

- Letter/as-built plan 115 Shore Road from Howard J. Potash to Brian Winner Dated November 16, 2022.**
- Letter form Rob & Diane Miller to the Douglas Conservation Commission dated November 9, 2022, for Shore Road, Douglas**
- Update on Peer Review Report by Graves Engineering, Inc. for Shore Road Culvert Pipe (10:01 PM) (2:59:25 TS) Motion to close the public hearing for the amended notice of intent made by Katiegrace Dudley, seconded by Mike Greco. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.**

Upcoming Meetings: January 9, 2023 & January 23, 2023

(10:03 PM) (3:01:13 TS) Motion to adjourn the meeting made by Mike Greco, seconded by Mark Mungeam. Roll call vote – KG Dudley, Eric Harris, Mike Greco, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary