

CONSERVATION COMMISSION
MONDAY, JANUARY 9, 2023
RESOURCE ROOM

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

Chair Tracy Sharkey called the meeting to order at 7:01 PM.

Discussion:

1. (7:01 PM) (0:10 TS) Orders to be signed: Passed around for the members to sign
2. (7:01 PM) (0:15 TS) Meeting Minutes: October 3, 2022 & October 17, 2022
(7:02 PM) (1:00 TS) Motion to approve the October 3, 2022 meeting minutes as written made by Mike Greco, seconded by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Tracy Sharkey all in favor, Mark Mungeam and Katiegrace Dudley abstained.
3. (7:03 PM) (2:15 TS) Letter of Intent – Walnut Street – Mary Pepka – Possible Votes
The commission sent a recommendation to the select board about the incomplete application and the applicant resubmitted a revised application. This is only for the 2.07 shown on the map that the applicant is requesting to take this lot out of chapter land in order to develop it.
(7:08 PM) (7:15 TS) Motion to recommend to the Board of Selectmen not to exercise their right to purchase the land made by Katiegrace, seconded by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, KG Dudley all in favor, Mark Mungeam not in favor.
4. (7:08 PM) (7:50 TS) Lenny Peterson, 229 Southeast Main Street, Tree Removal – Possible Votes
The applicant Mr. Peterson is present to hear the vote of the committee and stated that if they vote in favor he will have Stanley Tree Removal to come in with a lift to make nothing falls on the neighbor's property, and thanked Mr. Zisk for his help. The tree being requested to be removed are a double tree and a single tree, and the Ms. Sharkey stated that they would not make a condition to keep the stump if he did not want to because it is not a jurisdictional area. Mr. Zisk recommends that the applicant go before the select board and get a liability waiver because the adjacent property that the trees are on the line of is town owned property.
(7:14 PM) (13:45 TS) Motion to approve the removal of the three trees mentioned with the signing of the waiver and any other conditions that need to be met in order to do the activity made by Mike Greco, seconded by Mark Mungeam. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.
5. (7:15 PM) (14:50 TS) Request for Certificate of Compliance (DEP #143-0488), Joel A. Smith, 61 Linden Street, Lot 13 (Perry St, Parcel B) – Possible Votes
6. Request for Certificate of Compliance (DEP #143-0551), Douglas Development Group, LLC, 61 Linden Street, Lot 13 (137 Perry St, Part of Parcel 29) – Possible Votes
(7:17 PM) (16:45 TS) Motion to issue the Certificate of Compliance for 61 Linden Street, Lot 13 and Parcel B and part of Parcel 29 made by Eric Harris, seconded by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Old Business:

7. (7:18 PM) (17:25 TS) 7:00 PM (Discussion) Emergency Order issued for Shore Road Culvert,
 - Peer Review report from Graves Engineering, Inc.: Shore Road Culvert Replacement (near 115 Shore Road) Hydraulic Capacity Review

Mr. Zisk stated the peer review requested by the commission has come in, and the findings and recommendations state that the 8-inch diameter culvert does not have enough capacity for a 2-year storm event and a 12-inch culvert has sufficient capacity for a 2-year storm event and nearly enough capacity for a 10-year storm event under the conditions there analyzed, and the recommendations were also to add the impoundment at the inlet end of the culvert to be made as deep as reasonably possible considering safety concerns, grading, etc. to maximize the flow of water into the culvert. Town Council is not present tonight so Ms. Sharkey would like to keep this item on the agenda under discussion to see what the next steps are. The commission will continue the emergency order item to February 6, 2023. Attorney Potash stated that his clients are ready to install the pipe when the weather allows once the town gives the approval. The commission requests that Attorney Potash and Attorney Winner negotiate between themselves and then report back to the commission.

8. (7:27 PM) (26:05 TS) 7:00 PM (Discussion) (DEP #143-0914) 115 Shore Road, Robert Miller

- WPA Form 8A-Request for Certificate of Compliance

Ms. Sharkey stated that about a month ago she strongly suggested that the application be submitted before the meeting so the commission could review it, but the as built was submitted today. Attorney Potash responded that he sent the package FedEx last Thursday to make sure the commission had it to review. Mr. Zisk stated that he did not see the package on Friday or Saturday. Tiffany, the applicant's daughter asked if she could have a copy of the paper work that had been submitted to the commission on this matter, and all the other complaints that have previously been sent into the town. Ms. Sharkey stated that she or Attorney Potash would have to request that from the community development department. The commission scheduled a site visit to the property on Saturday January 21st 10 AM.

Old Business:

9. (7:39 PM) (38:00 TS) 7:00 PM (NOI-DEP #143-1066) Public Hearing Continued: Notice of Intent: 83 Island Road, Assessor's Map 174 Parcel 2 (New Single-Family Dwelling) – Barbara Van Essendelft – Possible Votes

The engineer went over the updates and changes to the plan with the commission. There are 6 trees within the 50-foot buffer to be removed and another 10 trees with the 50-to-100-foot buffer. Katiegrace just asked if some of the shade bearing trees could be replaced with plantings, the applicant stated that they want minimal disturbance and will replant. The commission would like to see 12-inch stake straw waddle for the erosion control and to be shown on the plan detail.

(7:54 PM) (53:00 TS) Motion to close the public hearing made by Joe Fitzpatrick, seconded by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(7:54 PM) (53:25 TS) Motion to issue the order of conditions with the special condition of the erosion control being 12-inch stake straw waddles made by Mark Mungeam, seconded by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

10. (7:55 PM) (54:00 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 commission received an email tonight requesting a continuance to January 23, 2023.

(7:56 PM) (55:00 TS) Motion to continue the public hearing to February 6, 2023, at 7 PM made by Mike Greco, seconded by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

11. (7:57 PM) (56:25 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

Bob Murphy, representing the applicant has submitted the revised plan with the requests of the commission from the prior meeting, and that the applicant intends on selling the lots. Mr. Murphy went over some of the revisions to the plan, Ms. Sharkey asked Mr. Murphy to speak on the revisions made at the end of the driveway. Mr. Murphy responded that they added a turnaround and made it to be fairly level in front of the garage and added some stonework. Mr. Murphy also pushed the stonewall away from the property line so there is no need for an easement.

(8:10 PM) (1:09:35 TS) Motion to close the public hearing made by Joe Fitzpatrick, seconded by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(8:11 PM) (1:10:12 TS) Motion to issue the order of conditions for 21 Birch Street made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

12. (8:11 PM) (1:10:44 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

Bob Murphy representing the applicant, this is sister lot to the previous property and he went over the revisions to the plan. This lot did not have a retaining wall on the property line, and he added a turnaround to the base of this driveway. He has details put in about the maintenance of the drainage system. The revised site plan date is December 12, 2022. Mr. Mungeam stated that he hates this plan, the 2 to 1 slope going down into a retaining wall and all the elevation changes and a 20-foot wall off the turnaround for the driveway. Mr. Murphy responded that most of the slopes are 2.5 to 1 or 3 to 1. Mr. Fitzpatrick has concerns about the slope near the well, and Mr. Murphy responded that they were trying to stay away from the 25-foot no disturb area so the slope is on the steep side. Mr. Murphy also stated that this site would be staked out by a professional surveyor. The slopes will be seeded with a conservation seed mix

(8:24 PM) (1:23:50 TS) Motion to close the public hearing made by Joe Fitzpatrick, seconded by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Ms. Sharkey asked if there was a better place for the well and Mr. Murphy stated that the current location makes it 100 feet from all the other septic systems and 50 feet from the wetlands.

(8:27 PM) (1:26:20 TS) Motion to issue the order of conditions made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, KG Dudley, Tracy Sharkey all in favor, Joe Fitzpatrick and Mark Mungeam not in favor.

New Business:

13. (8:28 PM) (1:27:18 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 77 Davis Street, (Road work upgrades) Douglas Schools – Possible Votes
Scope of work involves upgrading the existing access road located off 77 Davis Street to create a secondary emergency access road which will connect to the back of the Douglas High School and work within the buffer zone includes the placement and grading of suitable materials to create a stable surface, erosion control measures will be utilized along the edges of the upgraded access road within the buffer zone. Mr. Zisk showed the proposed road to the commission. Bob

Minarik stated that currently there is about a 50-foot-wide undeveloped road and they plan to make it a 24-foot wide developed road, which will include a 6-inch gravel or stone base, and then finish it with 4 to 6 inches of grindings and roll it to create a stable road. They will stake straw wattles down the side for erosion controls, the commission wanted to make sure whoever is grading it that they are aware there is a water issue there. They plan to start the work late spring/early summer when it is dry, the commission will do a site walk on Saturday 21st and they asked that it be staked before the site walk. The commission asked to find out how they are going to maintain the flow of water or improve the flow of water onto Davis Street. The commission will continue this public meeting to the 23rd.

(8:48 PM) (1:47:34 TS) Motion to continue the public hearing to January 23, 2023 at 7 PM made by Joe Fitzpatrick, seconded by Mark Mungeam. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meeting: February 6, 2023

(8:50 PM) (1:49:30 TS) Motion to adjourn the meeting made by Mark Mungeam, seconded by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Respectfully submitted,

Stephenie Gosselin, recording secretary