

CONSERVATION COMMISSION
MONDAY, MARCH 20, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey (remote), Vice chair Katiegrace Dudley (remote), Mike Greco, Mark Mungeam, Steve Zisk Conservation Agent

Absent: Eric Harris, Joe Fitzpatrick

Chair Tracy Sharkey called the meeting to order at 7:04 PM.

Discussion:

1. (7:04 PM) (0:15 TS) Meeting Minutes: December 5, 2022, January 9, 2023, & February 6, 2023
(7:06 PM) (2:00 TS) Motion to approve the December 5, 2022, meeting minutes as written made by Mike Greco, 2nd by Mark Mungeam. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.
(7:07 PM) (3:05 TS) Motion to approve the January 9, 2023, meeting minutes as amended made by Mike Greco, 2nd by Mark Mungeam. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.
(7:10 PM) (6:35 TS) Motion to approve the February 6, 2023, meeting minutes as written made by Mike Greco, 2nd by Mark Mungeam. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.
2. (7:11 PM) (7:25 TS) Review / Update – CRG, 105 & 123 Gilboa St (DEP #143-1042)
Todd Morey with Beals Associates showed pictures from the web cam on the construction site of the stump that was pulled out, that ended up being larger than anticipated. They backfilled it with large rocks to enforce the embankment. Video shows that it is still shored up days later. From the time the stump was pulled, and the shoring up went in was less than 24 hours. The top of the stump was behind the boundary, but the roots seemed to not be.
3. (7:21 PM) (17:30 TS) Review / Update – BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)
Mr. Zisk stated that Art provided the commission with a letter in their packet that work is starting today, and he will be out to inspect mid-week this week.
4. (7:22 PM) (18:30 TS) Request for Certificate of Compliance (DEP #143-1026) 55 Lakeshore Drive, Jack Goodison – Possible Votes (Site walk 3/11/2023)
The Conservation Commission did at site walk on the 11th, and there was one major comment, which was an outlet/hole that had to be cleaned up and redone. Mr. Zisk sent photos last week of it when he went to the site. Mr. Mungeam stated that he is satisfied with the changes.
(7:24 PM) (20:12 TS) Motion to issue the certificate of compliance for 55 Lakeshore Drive made by KG Dudley, 2nd by Mark Mungeam. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.
5. (7:24 PM) (20:50 TS) Review / Discussion on plan for 115 Shore Road
Applicant has requested a continuance.

New Business:

6. 7:00 PM (NOI-DEP #143-1073) Public Hearing: Notice of Intent: Maple Street, Map 190 Lot 6 (Wetland Crossings for pedestrian/equestrian trails), Beck Kalagher – Possible Votes

The notice was filed by Baystate Trail Riders and the proposed work involves two wetlands' crossings for future hiking and equestrian trails. Norman Hill presented with Becky Kalagher the president of the trail association. Mr. Hill passed around a map of the site, they are proposing to install 2 plastic bridges (16 feet and 20 feet long) to cross 2 existing swales. When he walked, the site there was no water visible, so they are seasonal not year-round streams. He received an email from Thomas at DEP late last week and he asked them to increase the filing fee to \$500 which they have done and have mailed them and in return for that he issued a DEP file #. There is no proposed work to be done in the resource area or altering any wetlands at all. The comment from DEP was as follows:

They recommend that the Commission verify that the area's proposed for the wetlands crossings do not meet the definitions of a stream as defined in regulations 310 CMR 10.04 if qualifying as a stream the proposed work may alter bank resource area and applicant should therefore be advised submittal documents to provide updated wetlands impact values and demonstrate compliance with regulations 310 10.544 if alterations of bank will occur if located over an area meeting definitions of stream the applicant should also demonstrate compliance with Mass Distributed Stream Processing guidelines 10.54486. In the filing this was demonstrated as a BVW and not a stream crossing. Ms. Sharkey stated that if there is evidence that suggests there is no stream, no stream bed, and no bank then she would accept that. The commission wants to condition that there will be no tree clearing. Mr. Mungeam stated that when he was out at the site recently, he definitely saw water and would disagree with Mr. Hill, and he would call it an intermittent stream. Mr. Hill stated that an intermittent stream would be dry in the summer from July to August unless there was significant rainfall, it doesn't have an adequate watershed feeding it and it doesn't show as a dark blue line the USGS map, Mr. Hill also stated that intermittent streams do not have to meet those regulations in the rivers front act. The Commission stated that there is a sort of bank there due to the removal of a dam, but the project will not be disturbing any bank. Mr. Zisk stated that he can demonstrate it's an intermittent stream and demonstrate that it has a bank and state that there will be no bank disturbances at the crossings. There are granite blocks at the site from the dam that was removed, and they are going to dig holes to put the blocks in and then screw the bridges to the granite to anchor them in place, and for the second bridge they will use some recycled plastic timber sunk in the ground about 6 inches and the bridge will be bolted to those. Ms. Sharkey stated that the commission would like to see some more information submitted before the release of the order for the construction and foundations for the crossings and the construction detail and the foundation details shown on the plans, also update the notice of intent that it is an intermittent stream for DEP, but they are not disturbing any bank.

(7:48 PM) (44:25 TS) Motion to close the public hearing made by KG Dudley, 2nd by Mike Greco. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.

(7:50 PM) (46:00 TS) Motion to approve the plan for the wetland crossings with the conditions that there will be no additional tree removal, there will be no disturbance of any banks, and resubmit a plan that shows the construction and foundation details and clarification to DEP that it is an intermittent stream with no bank disturbance and that Mr. Zisk is notified before any activity occurs on the site made by Mark Mungeam, 2nd by Mike Greco. Roll call vote: Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey all in favor.

7. (7:51 PM) (47:50 TS) 7:00 PM (NOI-DEP #143-1071) Public Hearing: Notice of Intent: 41 Ledgewood Drive, Map 102 Lot 8 (Single-Family & Septic), Linda Nunes – Possible Votes Margaret Bacon requested a continuance, they will continue it to April 10, 2023.

8. (7:54 PM) (50:20 TS) 7:00 PM (NOI-DEP #143-1070) Public Hearing: Notice of Intent: Bald Hill Road, Map 215 Lot 7.1 (Single-Family), Ralph & Karen Massa – Possible Votes
The proposed work involves construction of a single-family home, septic system, roadway widening and associated site work. Kate O'Donnell from EcoTec is representing the applicants and went over the plan and the location of the wetlands and construction and erosion controls proposed with commission on the plan provided. The town required the expansion of the road as well as a turnaround for emergency access which is between the 50-foot and 100-foot buffer as well as some additional grading that is within the 100-foot buffer. Mr. Zisk went to do a site visit but did not take a video because it is mostly wooded, he already gave her what needed to be added to the plan and there were no comments from DEP. The proposed future barn on the plan is excluded from this NOI filing for clarification purposes. They discussed the width of the proposed roadway that the town approved and requested and the guardrail detail. The contractor will do a construction schedule before commencement of the project. The commission would like the erosion controls to extend to the jurisdiction area (all the way to where they are expanding the roadway).
(8:24 PM) (1:20:45 TS) Motion to continue the public hearing to April 10 at 7 PM made by KG Dudley, 2nd by Mark Mungeam. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.
9. (8:25 PM) (1:21:50 TS) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 94 Island Road, Map 159 Lot 63 (Private Boat Ramp), Daniel Russell – Possible Votes
The proposed work involves proposed construction of a private boat ramp the proposed construction activities are along the edge of Whittin Reservoir. Margaret Bacon with Civil Site Engineering representing the applicant stated that there is no DEP # yet, and that there are no public boat ramps on Whittin Reservoir. Mr. Zisk showed a site video of the property and site for the proposed ramp. Margaret Bacon also contacted the Whittin Reservoir District to see if they had any comments, they did not have any. There may be a small tree removal necessary and some underbrush along the bank. Mr. Mungeam wants to know if Ms. Bacon is going to backfill with stone or loam and seed, or plantings on the side slope areas.
(8:38 PM) (1:34:45 TS) Motion to continue the public hearing to April 10 at 7 PM made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.
10. (8:39 PM) (1:35:20 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, Douglas State Forest, (Harvest Dead Wood) Commonwealth of Mass – Possible Votes
The proposed work location is off of Wallum Lake Road in the State Forest and the applicant is requesting permission to remove dead wood with an inland Atlantic White Cedar Swamp Massachusetts Natural Heritage and Endangered Species Program imperiled s2 classified natural community to allow sunlight to reach the community floor which will stimulate the extent seed bank that is currently being repressed by a closed canopy accumulation of dead wood and lack of disturbance. Joelle Vautour a State Lands Management Forester with Thomas Brule the program supervisor for the state lands management Forestry Program. Ms. Vautour stated that within the Douglas State Forest there is about a 26 acre Inland Atlantic White Cedar Sway and this type of forest ecosystem is heavily dependent on disturbance to regenerate itself. Currently there is an overall lack of young Atlantic White Cedar growing in the boundaries of the swamp. They were contacted by the Nipmuc Tribe and have been having conversations between Natural Heritage Endangered Species Program with one of their senior restoration ecologists as well as the Nipmuc Tribe to begin the restoration efforts of the swamp by removing some of the surplus amounts of dead wood in the swamp, because they

believe it is impeding regeneration of the swamp. There will be no machinery allowed with the limits of the swamp and everything will be utilized by the Nipmuc Tribe. The removal will be done by hand using the boardwalk hiking trail that runs through the swamp, with handsaws and maybe chainsaws and carry the pieces out by hand to the Coffee House Trail with a timeline of April into early May.

(8:53 PM) (1:49:15 TS) Motion to issue a negative determination of applicability made by Mark Mungeam, 2nd KG Dudley. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

Old Business:

11. (8:53 PM) (1:49:55 TS) 7:00 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, 77 Davis Street, (Road work upgrades) Douglas Schools – Possible Votes
- The Commission did a site walk with Bob Minarik and the commission asked for some added information to the plan and Mr. Minarik is here to discuss those changes. Mr. Minarik survey the first 250 feet and the Highway department laid out stakes at every 50 feet and they are at 17 feet width and they are proposing a 20 foot wide road, he described to the commission where the widening would be and stated that there will be trees needing to be removed where there are 3 large rocks being removed, also as part of this work they can also have the highway department clean up that dam that feeds that first 24 inch concrete pipe that is caved in and restore it to its original condition if the commission would like them to do that. Mr. Zisk's concern is during the project grading any runoff from up above is mitigated and suggested using straw hay bales. Mr. Minarik stated that once the highway department can start this should take between 2 to 3 days to be completed. Mr. Mungeam stated the plan doesn't show any grading and asked how they are going to keep the new gravel being proposed from running into the stream. Mr. Minarik stated that it is currently gravel and they are just putting new gravel there and they will put 6 inches of regrind to establish the proposed 20-foot-wide road. They plan on designing the roadway in such a way that there will be no erosion of the gravel on to Davis Street. The commission is wondering if this is substantial enough to require a notice of intent filing. Ms. Sharkey thinks that they have enough information to grant this a negative determination if they stipulate that no erosion shall occur and that Steve Zisk is kept in communication with highway department on this project and set up extra erosion control measures and condition it to allow them to improve this small portion. The commissions conditions are:

- in addition to the proposed erosion controls which will be inspected by Steve Zisk before any construction commences additional stockpiling of erosion controls onsite
- any stockpiling of materials is to be outside the 100-foot buffer
- storm events will be monitored
- construction is to be completed with 5 days of commencement
- the use of straw bales as check dams along the entire length of disturbance
- portions of the access road outside of the jurisdiction be designed in such a way to prevent erosion towards the resource areas and Davis Street

- no tree clearing except the 2 growing from underneath the rocks that are being removed
- (9:21 PM) (2:17:05 TS) Motion to issue a negative determination of applicability with the above/previously mentioned conditions made by Mike Greco, 2nd by Mark Mungeam. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

12. (9:22 PM) (2:18:15 TS) 7:00 PM (NOI-DEP #143-1067) Public Hearing Continued: Notice of Intent: 36 Marilyn Drive, Map 242 Lot 3 (Barn Construction), Kathy Sugrue-Richards – Possible Votes

Margaret Bacon with Civil Site Engineering representing the applicant and presenting the revised plans to the Commission that they requested. She moved the paddock fence in a few feet to match the driveway, she added a stockpile area on the outside of the paddock and buffer zone, and temporary stockpiling of manure after construction is done, revised the erosion control closer to the work activities. The paddock is 35 by 52 feet area.

(9:29 PM) (2:25:45 TS) Motion to close the public hearing made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

(9:30 PM) (2:26:40 TS) Motion to issue the order of conditions with the condition that the manure stockpile be outside the 100-foot buffer made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

13. (9:31 PM) (2:27:30 TS) 7:00 PM (NOI-DEP #143-1072) Public Hearing Continued: Notice of Intent: 56 Yew Street, Map 197 Lot 5 (Driveway Construction), Orbison Corp – Possible Votes
Margaret Bacon with Civil Site Engineering representing the applicant and presenting a revised plan showing the commissions request for a tree line shown on the plans. The applicant proposes a 12-foot-wide driveway with a 24-foot clear zone, and he is going to leave as many trees as possible.

(9:37 PM) (2:33:55 TS) Motion to close the public hearing made by Mike Greco, 2nd Mark Mungeam. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

(9:38 PM) (2:34:25 TS) Motion to issue the order of conditions with the condition that the area in between both driveways be allowed to regenerate to its native state made by Mark Mungeam, 2nd Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

14. (9:39 PM) (2:35:10 TS) 7:00 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, 45 Martin Road, Southwick Brook (Intermittent Stream Determination) Map 169 Lot 23 – Possible Votes

The applicant requested a continuance.

(9:39 PM) (2:35:30 TS) Motion to continue the public hearing to April 10, 2023, at 7 PM made by Mike Greco, 2nd Mark Mungeam. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

15. (9:40 PM) (2:36:00 TS) 7:00 PM (NOI-DEP #143-1068) Public Hearing Continued: Notice of Intent: 61 Yew Street, Map 197 Lot 9 (Relocating Driveway), Taniel Bedrosian – Possible Votes
Joyce Hastings with GLM Engineering to present the commission with the revised plans, the applicant decided to pave the driveway, and showed the replanting of trees on the abandoned road and went over the other changes to the plan.

(9:45 PM) (2:41:12 TS) Motion to close the public hearing made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

(9:45 PM) (2:41:30 TS) Motion to issue the order of conditions with the Hickory substitution for the Ash made by Mark Mungeam, 2nd Mike Greco. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

(9:46 PM) (2:42:00 TS) Paul Coulette stated that Mr. Zisk had a question out to the Town Council for Natural Heritage and the documentation that was listed in the order of conditions. Mr. Coulette asked if the Town Council could clarify the clerical error of the document list and that there is a catch-all in the towns standards boilerplate order of conditions that requires the applicant to meet any other requirements from other boards or departments – state or

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federal to his council. Mr. Zisk will convey to Town Council that information to be sent to the applicant's council.

Upcoming Meetings: April 10, 2023 & May 8, 2023

(9:51 PM) (2:47:50 TS) Motion to adjourn the meeting at made by KG Dudley, 2nd by Mark Mungeam. Roll call vote – Mike Greco, Mark Mungeam, KG Dudley, Tracy Sharkey.

Respectfully submitted,

Stephenie Gosselin