

CONSERVATION COMMISSION
MONDAY, MAY 8, 2023
RESOURCE ROOM

Attendance: Vice chair KatieGrace Dudley, Eric Harris, Mike Greco, Mark Mungeam, Steve Zisk
Conservation Agent

Absent: Chair Tracy Sharkey & Joe Fitzpatrick

KatieGrace Dudley called the meeting to order at 7:06 PM.

Discussion:

1. (0:25 TS) Orders to be Signed and Mail:
 - DEP – 401 Water Quality Certification
 - Letter of Intent – 61B – Walnut Street

Mr. Mungeam stated that there is no need to recommend taking action on lot 2 if the town did not take action on lot 1 with the Commission's recommendation.

(2:05 TS) Motion to recommend to the town not to use their right of first refusal regarding lot 2 on Walnut Street as referenced by the letter of intent made by Mark Mungeam, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

2. (2:45 TS) Meeting Minutes: March 6, 2023 – Possible Votes

(3:30 TS) Motion to approve the meeting minutes of March 6, 2023, as written made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

3. (3:45 TS) Potential Member Applicant – Possible Votes

The applicant is not present.

- 3A. (4:07 TS) Discussion – Story walk along Southern New England Trunk line Trail (SNETT), Eagle Project, Ethan Chisholm

Ethan Chisholm has been a boy scout in troop 316 since he was 7 years old and is hoping to propose a story walk for the SNETT. Ethan is 17 years old and a resident of Douglas and a junior at Norfolk County Agricultural High School and currently majoring in marine biology. A story walk is an interactive activity that promotes reading, exercise, and outdoor exploration. It features a series of stations displaying a different page of a children's book. The current location starts at the Southern New England Trunk line Trail on Depot Street and ending on Franklin Street. It will include roughly 14 stations and cover about a quarter of a mile. The stations will be maintained entirely by the library. The location and design have been approved by Kevin Hollinworth the manager of the Southern New England Trunkline Trail and all fundraising has been completed. The installation is scheduled for June 23, and they will not be using any machinery to stake the stations in the ground. Mr. Mungeam stated that there is a wetland or vernal pool on the left side of the trail and suggested it would be better for the stations to be placed on the right side. Ms. Dudley asked if they could forward the email with the approval from the Southern New England Trunkline Trail to Steve for their records.

4. (13:00 TS) Review/update - CRG, 105, & 123 Gilboa St. (DEP #143–1042)

There has been some correspondence in the last week, specifically regarding stabilization of side slopes. Art Allen with Ecotec, the Commissions peer review monitor for the project provided the commission with his update information. Mr. Allen stated that in his May 2 report for the site inspection there had been some issues because of the heavy rain event and things were not stabilized, the silt fences had been compromised as well. As of the May 5 report, they were

taking steps to correct it, but not everything has been rectified. Mr. Allen was hoping someone from CRG would be available tonight to give an update. Mr. Allen discussed his other concerns about the site. The commission and Mr. Allen are disappointed that nobody showed up to the meeting for an update on the project. Mr. Allen stated that it might be time for a stop work order to be issued. Mr. Zisk called someone from CRG to see if they could join the meeting and give an update by 8:00 tonight. The commission asked Mr. Zisk what their recourse is on action they can take with CRG, Mr. Allen stated that there has been a handful of episodes where there has been discharge to the resource areas and each one of those is a separate violation and feels the commission is well within their right to issue enforcement and stop work until they're back in compliance. Mr. Zisk suggested asking them to get into compliance by the next meeting in two weeks.

5. (25:05 TS) Review/update – BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)
Art Allen peer reviewer for the commission stated that since his last review they put in the required stabilized stone side entrance. Mr. Allen's other comment is they have a lay down parking area right off the construction entrance that should be done before they start any additional work moving into the site. After that is done, Mr. Allen will go back and inspect and if the parking area is done, they should be ready to start moving wood off the site. A concern Mr. Zisk is hearing is the timing of when they are going to do the detention pond. A rep from 45 Oak St. responded that their first intention once they get the building permit approved is to install the basins for sediment control.
6. (29:10 TS) Discussion – Brian Keevan, 41 Pine Street Donation from 2014
Brian Keevan gave a background about the property, and that his mother would like to donate it to the town. The Commission was showed a map of the property and the access point easement. Lisa Mosczynski and Sue Perkins with the Open Space Committee stated that they were out looking at the property right before Covid and the area that there could be parking there was big boulders and they were wondering if they could work with the town and DPW to get some help with this issue, they would love to be able to have this property and would like to work with the town and the commission for this to happen. Mr. Zisk suggested the open space committee work with DPW about getting the area cleared for their use and that the commission would work on the signage. The commission agreed they would reach out to DPW on behalf of the open space committee and see what their resources are for signage. Mr. Zisk stated that he would add this project to the future agendas.
7. (43:05 TS) Request for Extension, (DEP #143-0988), Jonathan Whipple, 88 West Street
Mr. Zisk stated that this is an ongoing project and is started, it was approved three years ago by the Commission and the permit has expired and he's before the board basically for procedural purposes. Mr. Zisk stated that they typically do three-year extensions now.
(44:35 TS) Motion to grant the extension for three years for 88 West Street made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(45:30 TS) Todd Morey joined the meeting for the update on the CRG project agenda item number 4, and he stated that he tried to get in touch with a couple people from Clayco, but he could not reach anybody. The Commission stated their frustration with the number of violations that have not been resolved and those they are discussing issuing a stop work order. Mr. Morey asked the Commission what the issues were that were pushing them towards the stop work order so that he could talk to the construction team at Clayco to get these taken care of to avoid being issued to stop work order. Art Allen stated that one issue is they spread a whole bunch of topsoil in the area right before the heavy rain event with no real plan to stabilize it and hold the

slopes. They also removed the upper silt fence after they put the topsoil on and did not put it back before the rain. This is the second time there has been sediment discharge on the North Slope that is reached 100 feet through the woods to the pond. Mr. Morey is not happy to hear that the contractors are not taking care of the project the way it needs to be and understands the Commissions, and Mr. Allen's frustrations, and agrees that a stop work order may be what is needed. Mr. Morey asked if the stop work order could be pushed off till either Wednesday or Thursday so that he can contact the appropriate people and tell them they have until the time allotted by the Commission to get all these violations in order or receive a stop work order. The Commission agreed with granting them the extra days to get the site in order but if it's not an order by then they would like a schedule of when it will be. The Commission also asked Art Allen to draft the stop work order in case they need to issue it.

(56:20 TS) Motion to grant Clayco 48 hours to resolve all the issues on the site if the issues are not resolved, the Commission will have Art Allen draft stop work order and the Commission will issue it, which would include a schedule to resolve any issues that remain unresolved made by Mark Mungeam, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

- 7A. (58:05 TS) Discussion – Barbara Van Essendelft, (DEP #143-1066), 83 Island Road, possible stairway relocation
Jack Kemper, with Kemper Associates Architects, provided the Commission with a marked-up Plan, and their proposal is to remove both stairways on either end and relocate one to the center. The distance to the wetland line is about 43 to 42 feet on the revised plan. The Commission thinks that this is reasonable, and Mr. Kemper will get a new plan to the board.
8. (1:05:05 TS) Review/Discussion on culvert plan for 115 Shore Road
There was a request for a continuance, there were some correspondences between the Miller's engineer and the town's consultant, Graves Engineering and they are close to doing a final plan. Their plan is to present the final plan at the May 22 meeting.
(1:06:05 TS) Motion to continue discussion on 115 Shore Rd. to May 22, 2023, meeting made by Eric Harris, seconded by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
9. (1:06:30 TS) 7:00 PM (NOI – DEP #143-1077) Public Hearing: Notice of Intent: 428 Northeast Main Street, Map 141 Lot 66 (Septic Repair), Jason Tavernier – Possible Votes
The work involves proposed repair of an existing septic system, construction activities are within 100-foot buffer zone of Bull Run Brook. Margaret Bacon, with Civil Site Engineering representing the applicant, to present the plans to the commission. This is a failed septic, and the proposal is to put in a Presby system for more flexibility with the configuration. Ms. Bacon met with the Board of Health, and they granted a variance for the 50-foot setback, Ms. Bacon also showed the floodplain map to the Commission to address the comment from the DEP and stated that septic repair is exempt from the river front area. Mr. Zisk showed the Commission the sidewalk video of the property. Resident Jeremy Flansberg, 63 Monroe St., stated his concerns about the proximity to the brook which he wanted known is a cold-water fishery and is wondering why they can't tie into the town sewer. Ms. Bacon stated that there are town sewer lines, but they are quite a ways away. Mr. Mungeam agrees with Mr. Flansberg and would like to see it tied into the town sewer but understands that it's a current failed septic that needs attention immediately. The Commission discussed back-and-forth the town sewer tie in inquiry for this project.
(1:21:20 TS) Motion to close the public hearing made by Eric Harris, seconded by Mark Mungeam. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:21:45 TS) Motion to approve the notice of intent with the condition that upon asking town, water, and sewer department tomorrow and if the answer is no the approval moves forward made by Mark Mungeam, second, by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

10. (1:23:30 TS) 7:00 PM (NOI – DEP #143-1076) Public Hearing; Notice of Intent: Legacy Circle, Map 166 Lot 15 (Site Access Drive), Peter Michael Business Park, McIntyre Loam, Inc. – Possible Votes The proposed work involves construction of a gravel access road, intermittent stream crossing, and stormwater management facilities. Jeremy Flansberg stated that he doesn't believe this has been properly advertised or the abutters have been properly notified. The applicant stated that they advertised and issued notice, and then had to re-advertise due to an error and has proof that all the abutters in Uxbridge and Douglas were re-notified. Mr. Flansberg stated that he did not receive a notification at his property address, but his mother received one for hers and he says his property is closer to the project. He also stated that this is an illegal meeting because he was not notified of it. Mr. Flansberg believes the abutters list is incorrect, and Ms. Dudley stated that is an issue he must take up outside of this meeting with the town assessor's office. Mr. Flansberg said that he spoke with Jen the first time this was advertised, and she stated that his two properties (63 Munroe St. and 73 Davis St.) that are on the list should be on the list and that she would get it corrected. Mr. Flansberg stated to the Commission that they can't have this meeting, because the proper abutters weren't notified, the Commission stated the applicant properly notified the abutters from the certified list he was given. Michael Dryden with Allen Engineering on behalf of McIntyre Loam and Tom McIntyre presented the plans to the Commission. They have to address the DEP comments, and the scope of what is being presented tonight is an access way to potentially later project and at this point there accessing the space to do some clearing and removal of materials outside the Commission's jurisdiction and talking about the crossing point. At this point, they're just talking about an unpaved access road for trucks and heavy equipment. The Commission would like to schedule a site walk, Mr. Zisk stated that this was sent out for peer review with Graves Engineering, and he received an email today stating that they weren't able to have comments ready for tonight's meeting. The Commission scheduled a site walk for Saturday the 13th at 12:30 PM. Mr. Flansberg wanted the Commission to know that the brook that goes through the property is a perennial stream per the USGS Maps and has extreme concerns about putting a bridge over this stream. Beth Flansberg, 53 Monroe St. asked where exactly this project is being proposed and is there going to be any blasting involved and if there were, she would like to be notified before and if there is going to be signage put out.
(1:57:35 TS) Motion to continue a public hearing to May 22, 2023, made by Mark Mungeam, second by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
11. (1:58:00 TS) 7:00 PM (NOI – DEP #143-0963) Discussion: Requests for a Certificate of Compliance: 41 Hemlock Street Lot #1, Map 287 Lot 11. Not work start on site under DEP #143-0963.
There was no work done on the site, back in 2018 there was an NOI was filed for a previous house on this lot that was never built and then they sold the lot and the order is still out there, so Ms. Bacon would like to close it out so they can open up a new one.
(1:59:40 TS) Motion to issue a certificate of compliance for 41 Hemlock St. lot one map 287 lot 11 made by Mark Mungeam second by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

- 11A. (2:00:00 TS) 7:00 PM (NOI – DEP #143-1078) Public Hearing: Notice of Intent: 41 Hemlock

Street Lot #1, Map 287 Lot 11 (Single-Family), Julio Cesar – Possible Votes
Margaret Bacon, with Civil Site Engineering, representing the applicant for a proposed single-family house with a detached garage. Ms. Bacon went out to the property today to refresh the wetland flags, everything is outside the 50-foot buffer zone, and the house is outside the 100-foot buffer. Ms. Dudley asked if she could shrink the limit of work along the right side Ms. Bacon replied that yes, she could do that.

(2:09:20 TS) Motion to close the public hearing made by Mike Greco seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(2:09:35 TS) Motion to issue the notice of intent with the standard conditions in with the proposed changes as discussed moving in the limit of clearing made by Mark Mungeam, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

12. (2:11:30 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, Pyne Sand & Stone, 1 Lackey Dam Rd, Guardrail Installation – Possible Votes

The applicant is requesting permission to install guard rail along an existing roadway, due to safety hazard. The applicant stated that they were issued a violation and the only way to resolve this was to install guardrails on the crossing and the road is currently closed until the violation is resolved.

(2:14:40 TS) Motion to close the public hearing made by Mike Greco, second, by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(2:15:05 TS) Motion to issue a negative main by Mark Mungeam, second by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Old Business:

13. (2:15:30 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 to May 22.

(2:15:50 TS) Motion to continue the public meeting to May 22, 2023, made by Eric Harris, seconded by Mark Mungeam. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(2:16:35 TS) Motion to adjourn the meeting made by Mike Greco, seconded by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meetings: May 22, 2023 & June 5, 2023

Respectfully submitted,

Stephenie Gosselin