

CONSERVATION COMMISSION
MONDAY, AUGUST 7, 2023
RESOURCE ROOM

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

Absent: Chair Tracy Sharkey, Joe Fitzpatrick

Katiegrace Dudley called the meeting to order.

1. (0:15 TS) Meeting Minutes: May 8, 2023 – Possible votes
Hold for the Commission to have time to review the minutes.
2. (0:50 TS) Updates:
 - CRG, 105 & 123 Gilboa St (DEP #143-1042)
Art Allen from Ecotec stated that Jen Couture emailed and stated that the funds are running out for the ongoing monitoring, so Mr. Allen sent in an updated proposal. Mr. Allen stated that his visits are as needed and have been at a minimum of every two weeks, sometimes once a week. Mr. Allen saw that they were decking the bridge over the Mumford River and the roads are still unpaved and the building is going up, the stormwater basin is in but not stabilized and there are a lot of perimeter slopes stabilized.

(4:30 TS) Motion to approve the proposal from Ecotec for continued monitoring of the 105 & 123 Gilboa Street site, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

- Brian Keevan, 41 Pine Street Donation from 2014 – Mr. Zisk stated that he received approval on the language from Mr. Keevan for the sign and brought it to Will Anderson who is overseeing the Wallum Lake State Park, the gentleman that does the signs is away for a couple months so when he gets back, he will give the Commission a list of supplies for the sign.

3. (6:15 TS) 115 Shore Rd, Culvert Replacement – Update
Diane Miller and Glenn Kreovsky with EBT Environmental Consultants, Inc. present to answer questions from the Commission and they are looking for an extension due to the excessive amount of rain so it can be dryer when they do the work. Attorney Brian Winner stated that if the project is proceeding in accordance with the Commissions expectations, then he would recommend allowing the continuance because it is well known the amount of rainfall we received and what that can hinder. The Commission requested that they call Matt Benoit when they are ready to start so that he can let Graves Engineering know.

(10:45 TS) Motion to extend the order until the next meeting for a check-in, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

4. (11:40 TS) Possible Violation, Lakeshore Drive, Stormwater management
Attorney Winner stated that they have had some conversations about some issues on Lakeshore Drive from a Conservation perspective and stated that there is a draft order in the works that he provided some comment and suggestions on and that in the very near future will be refined and issued. Attorney Winner does suggest that if the Commission wants to address the ongoing issues there, because the development is in progress, that now would be the time to do that before lots start being sold. Mr. Zisk stated that the town hired Ecotec to do an assessment of the area. Art Allen from Ecotec stated that he went out on August 2 and walked the property and the roadway and Manchaug Pond. The road had been largely regraded, but you could see

the gullies and sediment on 56 Lakeshore Drive and into the lake still. There has been an after the fact impact to resource areas from the erosion. Mr. Allen stated that the open lots that are up above do not appear to drain onto the road, he doesn't believe the lots are directly contributing to the runoff on the road, and it seems to be mainly the road because of the steepness of it and that it is gravel. The road needs more permanent stabilization and control of runoff, and there are some impacts at Lakeshore Drive that should be mitigated. There was a letter to the Commission from Mr. Murphy and an email received today from Mr. Cahill. Attorney Winner stated that if the Commission does want to take action, he feels that there is jurisdiction and now is the time if they are going to do it to avoid issues in the future. Mr. Mungeam stated that he went out to the site and agrees with Mr. Allen that the lots above do not seem to contribute silt but are contributing more runoff due to being in a cleared state, and he would be in favor of a violation issued by the Commission. Mr. Zisk showed the Commission pictures of the site and the cleared lots. Dave Cahill, who owns lot E, and Attorney Mark Wickstrom representing Mr. Cahill are present to answer questions. Mr. Cahill stated that he received several phone calls about Mr. Morin coming to a meeting last week and stated that 9 cubic yards of material came off lot E and stated that it is untrue. Mr. Cahill stated that Nick and he have an engineer designing a drainage system to rectify the runoff in the lake situation, so the first 1500 linear feet of the street will be how it should be. Mr. Cahill stated that the s-curve of the road needs a culvert, but he stated he is not going to do it. Attorney Wickstrom stated that Lakeshore Drive is a private way, and the homeowners own to the middle of the road on each side and Mr. Cahill's ownership starts at Lot E. When Lot E was created, it was created to form a homeowner's association for those lots, so with regard to the ownership of lots A – E the homeowners association owns to the middle of the road. There is a total of 7 lots in the homeowner's association and Lot E owned by Mr. Cahill is the one closest to the lake, lots D, C, and B have already been sold to others who will be building houses on those lots and Lot A is under agreement and should transfer from Mr. Cahill soon. Attorney Wickstrom stated that if there were a violation then it would have to be determined who it would be assigned to, and Attorney Wickstrom stated that he is available for Town Council and the Commission to contact to determine title to the various lots. Attorney Winner stated that he is happy to communicate with Attorney Wickstrom with the Commission's approval. Mr. Cahill stated that they would submit a plan to Conservation for the engineering design. Attorney Winner stated that if they cannot determine what property is responsible for the violation brought to the Commission tonight then they will cast a wider net and be over inclusive because the solutions may include a multi-faceted approach until they can get a stronger handle on more specific property. It's likely that the town will issue appropriate orders to any parcel owner/s that they feel could contribute to the solution or might be contributing to the problem.

(39:00 TS) Motion to support an enforcement order or orders as to any of the properties affected by the stormwater management issues concerning Lakeshore Drive and to identify those parties or party more specifically in the drafting of the enforcement order and have consultants assist with the drafting of the order made by Mark Mungeam

Robert Moran 56 Lakeshore Drive the resident who had reported this issue and concerns initially to the Commission. Mr. Moran stated that Lakeshore Drive does not drain and has never drained in the time he has lived there for the past 3 years, and they hired a consultant to come in observe the issues and the sediment flowing into the lake. Paul Knapik a wetland scientist was hired and stated that he agrees with the Town Council and that it is up to the Commission to decide whether there has been an alteration of resource area and issue an enforcement order and based on what he has observed he agrees with Art

Allen that there has been a violation when he visited the site. He feels that the road is the conduit that brings everything down to the lake and in his opinion; the road drainage needs to be corrected.

(44:00 TS) The motion was 2nd by Mike Greco. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

5. (44:40 TS) Possible Violation, BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)

Attorney Winner stated that he was approached by the town's conservation agent about some issues with respect to this parcel and reviewed a portion of the plan and had a conference call about some of the drainage design issues. He stated that there is some overlap in jurisdictions with the Planning Board and the Conservation Commission and stated that there needs to be some coordination in terms of identifying more permanent solutions. Attorney Winner had discussed with Mr. Zisk having the developer come to a Conservation meeting to get the communication started with potential solutions. Attorney Winner suggested a joint meeting with the Conservation and planning to help collaborate to address similar issues with both boards. Art Allen is the third-party monitoring consultant for the town with Ecotec and the Commissions peer review consultant. Mr. Allen stated that at this point, there has been no direct wetland impacts associated with the project but there have been stormwater issues. Earlier in the year when the erosion controls were put in a property owner on the Sutton side of the site, came forward with concerns of changes in runoff patterns and the developer has made some modifications and adjustments. The work started on the project in June and since then the property owners on the Sutton side have faced more issues with runoff on their property, there has not been any stormwater installed on the Sutton side but there has been a stormwater basin installed on the Oak Street side of the site. There are three basins planned for the Sutton side of the site, which is a concern to the Sutton side property owners because they would like to see the runoff evenly distributed across that side of the site rather than the point source discharges with the basins on the current plan. Ms. Dudley handed the Commission a memo from the Sutton side property owner, Mr. Kroll (78 Torrey Rd, Sutton) and he spoke to the Commission about his concerns that some of his land now is drying out and some is being eroded due to the change in the abutting lot project, and that the current wetland area has changed from a flowing water area to the non-flowing water area. Jason Smith and Aaron Sims with Blue Wave, and Jeff Murphy with Beals and Thomas stated that they provided the monitoring reports requested by Mr. Zisk on a shared drive. They showed the Commission some charting of the rainfall and the lack of time the soil has had to recover from it. Mr. Murphy the civil engineer spoke in response to the short-term plan for the drainage and water flow issues arising as the project is underway. They were about 85% done with phase 1 when the heavy rain events started and the only thing in phase 2 done was falling the trees. Mr. Sims also addressed the drainage concerns for the Kroll property and stated that the 3 basins will only become a point discharge if the water level gets high enough and they showed the Commission the basins on the plan. A resident from 50 Oak Street asked what the elevation difference is from the top of the field to Oak Street, the elevation difference is about 40 feet. Greg Morehouse with Mill Creek Renewables stated that the elevation difference is over about 550 feet. Mike Zwicker 46 Oak Street stated that he appreciates what they are trying to do to fix the issues and knows that it will take time and agrees that there should be a joint meeting with the Planning Board and the Conservation Commission. The Krolls were looking to have a couple things address that was in the letter to the Commission, which was removing the silt fence; a downed tree that they wanted removed and help with lining the ditch and assistance with fixing a wall. Blue Wave asked the Commission their thoughts on the silt fence removal and suggested maybe using some other erosion control and the Commission stated that they would be open to discussing other options. Art Allen wanted to state for the Commission that there hasn't been any wetland impact and doesn't see wetland wise the issuance of a violation.

6. (1:36:05 TS) Violation discussion, 17 Potter Rd, Enforcement Order

Mr. Zisk stated that he believes they asked for more time to submit the requested information. Jessica Bankston owner of 11-17 Potter Road and Glenn Krevosky from EBT Environmental in Oxford went over the changes to the plans that the Commission requested at the last meeting and what will still be added to the plans in the future, and the restoring of the river front area. Mr. Krevosky also stated that the applicant is looking to remove some logs and a shed that is close to the river. The Commission will see how far the logs are from the resource area and discuss it at the next meeting with the revised plans.

7. (1:51:50 TS) Request for Extension, (DEP #143-0976), Denise Davis, 161 Maple St.

Mitch Maslanka with Goddard Consulting stated that the Order of Conditions for this property is set to expire in the next couple of months, so they are requesting a three-year extension on the Order of Conditions so they can proceed with some of the restoration and monitoring the invasive species management. The progress of the project right now is that the house is done and there is a barn that is approved to be built which a foundation still needs to be poured before the project is complete. The restoration adjacent to the house has been being monitored for several years now and they need to remove some invasive phragmites from that area before they request a partial certificate of compliance, and restoration in the back yard has not commenced yet due to grading that needs to occur in order to access that area.

(1:57:50 TS) Motion to grant a three-year extension for the Order of Conditions for 161 Maple Street, made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

8. (1:58:25 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing Continued: Notice of Intent: 125 Ledgestone Road, Map 110 Lot 11 (Single Family Home), Jacob Bloniasz – Possible vote

(1:59:25 TS) Motion to continue to August 21, 2023, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

9. (1:59:50 TS) 7:00 PM (NOI – DEP #143-1079) Public Hearing Continued: Notice of Intent: 58 Cottage Colony, Map 159 Lot 34 (Single Family Home Addition/Tight Tank), Norma Aldrich – Possible votes

Norma Aldrich, the applicant and Margaret Bacon with Civil Site Engineering stated that the applicant is proposing a little addition and adding a tight tank due to the lot restraints with land available. As requested by the Commission Ms. Bacon added to the plans the 25-foot buffer zone and the stairs coming off the deck and as far as the placement of the well, Ms. Bacon is putting where the well company suggested it go. The tight tank has been approved by the Board of Health. Wally Pazanak, the builder stated that there will be a foundation under the addition that will not be a full height basement and on piers for the deck.

(2:07:45 TS) Motion to close the public hearing made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

(2:08:10 TS) Motion to approve the notice of intent for 58 Cottage Colony for the addition and deck with a plan date of August 4, 2023, and the condition that they be able to dig the well as soon as possible made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

10. (2:10:50 TS) 7:00 PM (NOI – DEP #143-1025) Public Hearing continued: Amended Order of Conditions: 175 Southwest Main Street, Map 226 Lot 17 (Floodplain Storage), Lloyd Morin – Possible votes

(2:14:40 TS) Motion to continue the hearing for 175 Southwest Main Street made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

11. (2:15:00 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing Continued: Notice of Intent: 273

Southeast Main Street, Lot 1 Map 266 Lot 13 (Single Family Home), New Sherborn, LLC –

Possible votes

Jason Clough with DiPrete Engineering stated that the plan has been updated based on the comments received at the last hearing, their biologist met Ecotec last week to review the wetland edge and there were some changes to some of the flags. The house was moved 10 feet closer to the street on the plan. Justin Piccirillo has concerns about the stormwater on these lots and feels that they should be considered an aggregate and there should be some sort of water management plan. The Commission stated that they will take that into consideration and that each lot will be dealt with on an individual basis. Mr. Piccirillo is looking for plans to include some calculation for the surface waters that would be contributing off those lots. Mr. Clough stated that they are waiting on DEP for some forth clarification on the stormwater management as an aggregate for the 3 lots, but as of now the three lots are being considered on a not by lot individual basis.

(2:32:00 TS) Motion to continue the public hearing to August 21, 2023, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

12. (2:32:35 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing Continued: Notice of Intent: 279

Southeast Main Street, Lot 2 Map 266 Lot 13 (Single Family Home), New Sherborn, LLC –

Possible votes

Jason Clough stated that there were some flag changes on this lot based on the review from Ecotec and they adjusted those on the plan and the associated buffer offsets, they also added a spot grade at the roadway to ensure stormwater is not directed into the roadway and pulled in the limit of disturbance and the erosion control at the driveway. Ms. Dudley read the DEP comments for this lot. Mr. Piccirillo stated for the record that he wanted his previous comments made for this lot as well about stormwater management.

(2:39:05 TS) Motion to continue the public hearing to August 21, 2023, made by Mike Greco, 2nd by Jim Foran. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

13. (2:39:25 TS) 7:00 PM (NOI -DEP #143-10xx) Public Hearing Continued: Notice of Intent: 283

Southeast Main Street, Lot 3, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC –

Possible votes

Jason Clough stated that this lot also had some wetland flag changes and added flags and as a result they had to adjust the limit of disturbance from the driveway connection to Southeast Main Street. Mr. Clough went over the other changes and additions to the plan requested by the Commission at the last meeting. Mr. Mungeam asked them to show on the plan the grading of where the water flow will be going near the wetland buffer area and the driveway and road. Ms. Dudley asked if the septic tank can be moved outside of the 50 foot and Mr. Clough stated that they could move it down closer to the leach field. Mr. Clough stated that they can add markers for the limit of disturbance for future owners upon the Commission's request, and Ms. Dudley suggested boulders or split rail fence or plantings. Justin Piccirillo stated to copy his comments from the two previous lots regarding the stormwater management concerns.

(2:50:50 TS) Motion to continue the public hearing to August 21, 2023, made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

(2:51:25 TS) Chapter 61 Land – The Commission is not going to make a recommendation on this tonight because they would like to know what Open Space has said and they would like to see the parcels on a map.

(2:54:40 TS) Motion to adjourn the meeting made by Mike Greco, 2nd by Jim Foran. Roll call vote – Eric Harris, Jim Foran, Mike Greco, Mark Mungeam all in favor.

Upcoming Meetings: August 21, 2023 & September 18, 2023

Respectfully Submitted,

Stephenie Gosselin