

CONSERVATION COMMISSION
MONDAY, AUGUST 21, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey (remote), Jim Foran, Mike Greco, Mark Mungeam, Katiegrace Dudley
Matt Benoit Community Development Director

Absent: Eric Harris (excused)

Tracy called the meeting to order at 7:09 PM.

Discussion:

1. (0:15 TS) Mail/Orders to signed:
 - BOS letter of intent Lot 1, 247 Yew Street.
This was a notice of intent to convert land into a buildable lot out of chapter, but since the residence is being used for their own child; they are exempt from being subject to the town's first right of refusal.
 - (2:00 TS) water readings from Whittin Reservoir
2. (2:20 TS) Meeting Minutes
(2:35 TS) Motion to approve the meeting minutes of May 8, 2023, as written made by Mike Greco. Tracy Sharkey was not at that meeting so they will table the vote when Katiegrace comes in.
3. (3:05 TS) Updates:
 - CRG - Matt Benoit stated that he doesn't believe they have received any new information from Art Allen or the consultants.
 - (3:20 TS) 115 Shore Road culvert replacement - They are still waiting for the water table to lower so they can start.
 - (3:35 TS) 17 Potter Road enforcement order update - Mr. Benoit received correspondence from the wetland's scientist on the job and they are finalizing their restoration plan, but it wasn't ready for this meeting and will provide it in advance of the next meeting.
4. (3:55 TS) Violation Lakeshore Drive stormwater management
As requested by the Commission Mr. Benoit has been working with Town Counsel all week to draft an enforcement order and has it tonight, and with working with Town Counsel they believe the best way to handle this is to issue an enforcement order to all parties involved in the area which this took place. This is an opportunity for those parties to engage the town and provide professional opinions about their property to the Commission at the next meeting. Mr. Benoit is looking to the Commission to possibly vote on a motion to engage Brandon Faneuf who is under contract with the town of Douglas to handle some issues like this since Steve Zisk is no longer with the town, to engage with finalizing the draft enforcement order, carrying out the enforcement order and reviewing any plans that come in from the enforcement order parties in advance of the next meeting of the Commission. Ms. Sharkey voiced her concern that it has been a long time with nothing happening, and Mr. Benoit agrees and does not know why the informal enforcement was never sent that was voted by the Commission. This enforcement order should push the process of having improvements made to the site along.
(9:25 TS) Motion to engage with Brandon Faneuf for the enforcement order prep and enforcement on Lakeshore Drive, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

Mr. Benoit stated that he expects this to be issued within the next 24-48 hours.

5. (10:10 TS) Request for Certificate of Compliance (DEP #143-0513), Ron Angers, 69 Cliff St Lot 1 – Possible votes

Ron Anger 27 Southwick Road, Sutton, stated that they were in the process of the selling the property and it came to their attention that with was never finalized 25 years ago. Mr. Benoit stated that in the Ecotec letter it mentions that one of the conditions on the approval requires at least 75% of the surface replacement area to be re-established but they find that it is probably less than 75% at their site walk. Mr. Benoit suggested the possibility of closing this but rolling a condition forward to the new property owner to ensure that that one area is established. Mr. Anger stated that this area was established 25 years ago and feels that replanting will not help and that it is overgrown in that area currently. Mr. Benoit agrees with Mr. Anger and is open to whatever the Commission decides on this matter. Ms. Sharkey stated that they cannot roll over any conditions unless they are perpetual to the property, so she is okay with closing this out and requiring that condition for the next application, and the rest of the Commission agrees with Ms. Sharkey.

(14:30 TS) Motion to grant the certificate of compliance for 69 Cliff Street, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, Tracy Sharkey.

6. (15:05 TS) Request for Certificate of Compliance, (DEP #143-1062), Brian Specyalski, 56 Bigelow Road – Possible votes

Mr. Benoit stated that they received a properly filled out application and an as-built plan along with a narrative from Alpha Omega Engineering. Mr. Benoit stated that he is not comfortable in the absence of Mr. Zisk to do the review on this and asked if the Commission would like to engage Mr. Faneuf to help with the review of the certificate of compliance to get the project closed in time for the next meeting. Ms. Sharkey stated that if Mr. Specyalski can submit proof that grass is growing and it is being stabilized and she would like the Commission to take a site walk before the next meeting. Mr. Specyalski will bring photos to the next meeting.

7. (21:55 TS) Request for Certificate of Compliance, (DEP #143-0401), Jared Tabor Recorvitz, 250 Perry Street – Possible votes

Margaret Bacon with Allen Engineering and stated that this is an old filing from 1991 and she has the old as-built plan done in December of 1999, Ms. Bacon took pictures of the property last week and nothing has changed in the last 25 years from what was approved for plans.

(24:35 TS) Motion to grant the certificate of compliance for 250 Perry Street, made by Mike Greco, 2nd by Mark Mungeam. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

New Business:

8. (25:20 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, Gregory & Elizabeth Rheaume, 72 Peters Cove Road, Tree removal – Possible votes

Peter Rheaume stated that he has difficulty getting his boat in and out of the water and is requesting permission to have a tree removed and the stump removed as well. There are photos submitted but not a plan and the tree is about 50 feet away from the water and he would opt to have the stump ground out instead of dug out. The Commission asked if there was another spot to plant another tree and the applicant stated that he could plant another tree.

Katiegrace Dudley joined the meeting at 7:42 PM.

(36:00 TS) Motion to close the public hearing made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(73:05 TS) Motion to issue a negative RDA with a condition that the stump be ground down and the tree be replaced with another tree of similar species no further away from the water than the current tree is made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(39:25 TS) The Commission came back to agenda item number 6 and the applicant is now present at the meeting. Mr. Specyalski stated that he took pictures before came down today and that Steve Zisk was on the site often working with him on the erosion control and showed the new plantings and the grass stabilization. Mr. Benoit again stated for the record that he is not comfortable doing the review and would ask the Commission if the consultant Mr. Faneuf could help in this. Ms. Dudley stated that knowing that Mr. Zisk has visited the site multiple times, and that the building inspector has been on the site, she stated that she is comfortable with not requiring the consultant to do a site visit. The applicant suggested approval on the condition of the consultant's approval from Brandon Faneuf for a site visit and plan review.

(53:00 TS) Motion to issue a certificate of compliance with the condition that the conservation consultant go to the site and review the plan to determine that it is in compliance, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Old Business:

9. (54:00 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 votes
The Commission received a request to continue to the next meeting.
(54:21 TS) Motion to continue public hearing for 125 LedgeStone Road to the next meeting made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.
10. (54:30 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
The Commission received a request to continue to the next meeting.
(54:45 TS) Motion to continue public hearing for 175 Southwest Main Street to the next meeting, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.
11. (55:00 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing continued: Notice of Intent: 273 Southwest Main Street, Lot 1, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC – Possible votes
Jason Clough with DiPrete Engineering stated that they have submitted revised plans for this application and the two other following lots along with a response to comments letter that went to the Commission office as well as Ecotec and DEP has issued a file for all three lots today. They added the 100-foot buffer for adjacent across the street wetland. Mr. Benoit stated that the original review was done by the town's consultant on August 8, the response was provided by the consultant on August 15, further reviewed by the consultant on August 17 and said the comments had been met excluding the condition that the DEP file number be issued. The Commission brought up the previous questions about stormwater and these lots. Brandon Faneuf with Ecosystem Solutions and stated he is under the understanding that this a 9-lot subdivision and that when there is a subdivision that is more than 4 lots stormwater provisions apply. Mr. Clough stated that with his conversation with DEP and the submission of only these 3 lots that it could be kept as is and address the stormwater moving forward with additional lots.

The Commission is asking for paperwork associated with the land that is to be left undisturbed to confirm that, and there are still concerns about not having a stormwater plan in place when the lots start getting developed. Mr. Faneuf stated the regulations to try and clear up any questions. After hearing the regulations, it sounds to the Commission that they do not need a stormwater plan as this is a single-family home, but they will need one for the subdivision as a whole. Mr. Faneuf stated that if this a phase of project the regulation reads, “the determination of whether the stormwater management standards apply is made on the entire project as a whole including as phases...”, so his understanding is that they can take the 9 lots into consideration. Mr. Clough stated that if the Commission wants to see stormwater management, they would probably have to do it on an individual basis because nothing else with the project or other lots is done or designed. Ms. Dudley stated that she would prefer to see it done as a whole. The applicant stated that they only have three lots in front of the Commission and as of right now they are not developing any other lots, so he stated that they do not need stormwater management for just three lots for single-family homes. Mr. Mungeam stated his opinion that they only have three lots before them and that they cannot assume there will be other development if it’s not before them. The Commission went back and forth with Mr. Faneuf about the decision and feel they don’t have enough information for the surrounding area to make this decision. Mr. Benoit suggested if the Commission is unable to make a determination tonight that they provide Mr. Faneuf’s recommendations to Town Counsel for verification and perhaps a direction.

(1:23:00 TS) Motion to continue the public hearing for Lot 1 to seek Counsel opinion to verify Mr. Faneuf’s comments on the citations and regulations made by Mr. Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:24:00 TS) Motion to continue the public hearing to September 18, 2023, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

12. (1:24:40 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

The same DEP comments apply to this lot and the Commissions has the same decision on this as the previous one.

(1:26:50 TS) Motion to seek Counsel on lot 2 made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:27:05 TS) Motion to continue the public hearing for lot 2 made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

13. (1:27:20 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

This lot also has the same DEP comments as the previous 2 lots. Mr. Clough stated that the Commission may want to discuss the requested waivers tonight with this lot. They read over the requested waivers and had some questions about Title V and the town’s bylaws, and Mr. Faneuf suggested that when they continue this that they investigate that further.

(1:34:25 TS) Motion to seek Counsel on Lot 3 for Mass DEP interpretation and the town’s bylaws regarding the setbacks relating to the septic system and its components made by Mark Mungeam, 2nd Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:34:50 TS) Motion to continue the public hearing for lot 3 to September 18, 2023, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:35:40 TS) Meeting Minutes:

There is a motion on the table for the approval of the May 8, 2023, meeting minutes, and Ms. Dudley will second the motion. The Commission realized that there were not 4 people present that were at the May 8 meeting to vote so they will table this vote.

(1:39:45 TS) Mr. Benoit stated that there are items not reasonably anticipated 48 hours prior to this meeting. The first is a request at 41 Hemlock Street that had an order of conditions issued by this Commission and there is an engineer reaching out to the department to ask Mr. Zisk to verify the installation of erosion control measures on the property. Mr. Benoit is intending on going to the site tomorrow to verify these with the Commission's blessing.

(1:40:30 TS) Motion to have Matt Benoit go out to 41 Hemlock Street to verify the erosion control measures made by Jim Foran, 2nd by Mark Mungeam. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

The second item to discuss is when Mr. Mungeam was kayaking on Bad Luck Pond, he observed what he thinks may be a violation and took some pictures of material, fill, soil, or sand being dumped onto the edge of the pond and wanted to see if the Commission would like to notify the owner. The Commission agrees with having the property owner notified and Mr. Benoit suggested having Mr. Faneuf look at the property and the Commission agrees.

(1:43:15 TS) Motion to have the property owner notified and get permission for Mr. Faneuf to make a site visit and request the owner attend the next meeting made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(1:43:35 TS) Motion to adjourn the meeting made by Mark Mungeam, 2nd Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meetings: September 18, 2023 & October 2, 2023

Respectfully submitted,

Stephenie Gosselin