

CONSERVATION COMMISSION
MONDAY, JULY 17, 2023
RESOURCE ROOM

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

Absent: Joe Fitzpatrick, Jim Foran

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

Discussion:

1. (0:10 TS) Meeting Minutes: April 10, 2023 – Possible votes
(0:25 TS) Motion to approve the minutes of April 10, 2023, as written made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.
2. (0:50 TS) Request for Certificate of Compliance, 274 Yew Street, (DEP #143-1063)
Margaret Bacon with Civil Site Engineering on behalf of the applicant showed the plan to the Commission and stated that the plan shows the 6 maples trees and the shed moved forward as requested by the Commission and the plan revision is dated November 26.
(3:35 TS) Motion to grant the certificate of compliance made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

Updates:

3. (4:05 TS) Hayward Landing concerned resident.
Steve Zisk received a call from a resident at Hayward Landing regarding dead tree removal. Tony Berthod joined remotely but could not be heard clearly, and Mr. Zisk showed the photos of the site at Hayward Landing of the dead trees. There are two dead trees, and Mr. Berthod would like permission for the trees to be removed.
(7:05 TS) Motion to authorize the removal of two dead trees and keep the stumps in place with no disturbance to the bank made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.
The Commission discussed granting the Conservation Agent the authority to have dead trees removed that will cause harm to person or property damage, so they don't have to wait weeks for the Commission to review and approve.
(8:30 TS) Motion to authorize the Conservation Agent to review and approve dead tree removal with harm of people and/or property damage made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.
4. (9:45 TS) Lake Shore Drive concerns.
Steve Zisk mentioned that with all the recent heavy rainfall, there was an incident on Lake Shore Drive and he was asked by the Community Development Director and the Building Inspector to bring the issues to the Commission. Mr. Zisk showed the Commission a site video of the heavy water flow on a resident's property. Robert Moran, 56 Lake Shore Drive the resident wanted to make the Commission aware of the conditions of the road and how they have become unsafe due to the lot clearing near his property and the sediment that is flowing into the lake from the road and across his property. Paul Knapik, a wetland scientist, and Mr. Moran's environmental consultant stated that he observed conditions that would indicate that there has been a violation of land underwater and bank. Mr. Knapik recognized that this area is outside of the buffer zone for the Commission but stated that where an alteration has occurred that the

Commission does have authority under 310 CMR 10.02 2D to impose corrective action on any activity that does in fact alter a resource are even though it's outside of the Commission's jurisdiction. Mr. Knapik's recommendation is that the Commission issue a cease and desist on any activity occurring there and require a notice of intent to be filed that outlines the corrective action, short-term and long-term. The Commission asked Mr. Knapik to submit a written report to the Commission so that they can issue a cease and desist, and they would like to request the Building Inspector require erosion control protections and have the road owner David Cahill notified.

5. (23:10 TS) Violation Discussion, 17 Potter Rd, Enforcement Order.

The consultant for the property owner updated the Commission that they added one more erosion control silt fence Wednesday and moved the waddle that was there on the up gradient side abutting the road directly and they showed them up because there is 600 feet of Potter Road that drains down to the Mumford River. The consultant is asking for another continuance because it is going to take the surveyor some time to get out to the site and he himself has only recently gotten on this project, he will keep in contact with the endangered species as well. He showed the Commission pictures of the site and the water event. The town DPW needs to be made aware of the drainage swale that needs to be fixed.

Katiegrace Dudley joined the meeting remotely at 7:32 PM.

6. (35:20 TS) Violation Discussion, 143 Shore Rd, Work within Buffer Zone.

Art Allen for the Commission looked at the site and they issued a cease and desist, and the property owners Christopher and Amy Nadeau stated that they have brought the property back to the original state and there is nothing draining into the lake. The Commission requests that the Nadeau's do an after the fact filing for the activity so that it is documented, because the consultant's report stated that the activity has altered an intermittent stream and it's associated with boarding vegetative wetlands. The Nadeau has stated that they were unaware of the need to file because they have been doing this every year but will file going forward.

7. (41:55 TS) Violation Discussion, Orange Street, Work within Buffer Zone.

Steve Zisk showed the Commission some aerial photos and Frank Noel, 80 North St, Grafton, New Sherborn Farms; the property owner was present to answer any questions. Mr. Noel stated this is an old logging road that jeeps, 4-wheelers and dirt bikes use and is unhappy with the complaint and that there was a drone that took pictures on a private property site. Mr. Noel stated that there was no machine in the water and that he was not doing any illegal activity on the site. Ms. Sharkey stated that there is no proof of any violations.

8. (47:30 TS) Request for Extension, (DEP #143-0932), Eliezer Silva, 69 Woodland Rd.

Eliezer Silva the property owner joined remotely and is requesting a 3-year extension. The permit expired June 5, 2023, and Mr. Zisk wanted to make sure that the applicant is going to use the amended order of conditions plan because the incorrect plan was being used. The applicant does not have the amended plans and will stop by the Town Hall to get them and talk to Ken Fraiser about it.

(51:25 TS) Motion to grant the 3-year extension to June 2026, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

9. (53:35 TS) Request for Certificate of Compliance, (DEP #143-1077), Jason Tavernier, 428 Northeast Main St – Possible votes

Margaret Bacon representing the applicant requesting a certificate of compliance for a septic repair, stated for the Commission that the system was installed about a month ago and the site is stable, and done as designed.

(55:05 TS) Motion to grant the certificate of compliance for 428 Northeast Main St made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Updates:

10. (55:45 TS) BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)

Steve Zisk stated that at the last rainstorm, himself, Matt Benoit, the consultant for the Planning Board was on site to see the runoff leaving the site and going across Oak Street and going into the abutting properties, and the Planning Board's consultant submitted a report to the Commission. The owners are out there trying to rectify the runoff issues, the Building Inspector is involved, and Art Allen for the Commission is involved. Shirley Mosczynski, 60 Oak Street stated that along with the issue that is on the southern side at the entrance it is also coming from the field, going into another property, and going into some of the storm drainage. John Deter, 50 Oak Street is the house directly across the street and stated that this is causing thousands of dollars of repair to his driveway and has spoken to the town's engineer about where the water is coming from because it is destroying his driveway and retaining wall and he has not heard back from the town aside from Mr. Zisk. Ms. Sharkey stated that she is inclined to send an informal violation notice to cease any water flow off the site and would like to require the owner to come to the next meeting.

(1:14:15 TS) Motion to issue a violation and require BWC to attend their next meeting and in the meantime any rain event should have an on-site stormwater management supervisor to monitor and report whether the flow is coming from their site or not made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

New Business:

11. (1:15:15 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: 125 LedgeStone Road, Map 110 Lot 11 (Single Family Home), Jacob Bloniasz – Possible votes

The proposed work involves reconstruction of a single-family dwelling, driveway, septic system, and associated utilities. Jude Gauvin with OHI Engineering representing Jake and Megan Bloniasz. The parcel is a little over acre on lake Manchaug with an existing structure and deck associated with it and an outhouse with a cesspool and an existing well and electrical on the site. They are proposing to take the existing house structure down and the shed/outhouse and move the house as far back as they can move it from the water within the current setbacks of Zoning, which they will go before zoning next week for a special permit to be able to take the existing house down. The proposal will have a new 3-bedroom septic system and an impervious barrier that wraps around the outside of it, with one tree being proposed to be taken out because it is dead. Mr. Gauvin went over the rest of the plan details with the Commission. Steve Zisk showed the Commission a site video and the Commission asked Mr. Gauvin to add dimensions for the grading, stockpiling, and extra erosion controls to the plan. Mr. Zisk's concern is the washing out of the fill during construction before everything is stabilized and wondering about retaining walls or pushing the grading away from the lake. Ms. Sharkey asked for a construction sequence because she is concerned about how logistically this is going to be built. Mr. Gauvin will come up with a construction sequence, label the limits of grading to the edge and the driveway to the bank, and add silt fence along with the proposed waddles. Mr. Mungeam would like to see the site and have time to look over the plans and come up with comments. The applicant has a call into National Grid about having underground or poles and the Commission just said to make a note of it on the plan that it is undetermined. The abutter at 127 LedgeStone Drive stated that his power lines go through the property, and he has a deeded foot path through this property that he is concerned about and if there is any significant winter storm there is no way for him to get to his property and is concerned about the proposed house

blocking his view. Ms. Sharkey stated that she doesn't think this is a Conservation issue and maybe address is the Zoning Board of Appeals about his concerns. The Commission scheduled and site walk for Saturday the 22nd at 10 AM with Mr. Gauvin.

(1:44:00 TS) Motion to continue the public hearing to August 7, 2023, at 7 PM made Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

12. (1:44:30 TS) 7:00 PM (NOI – DEP #143-1079) Public Hearing: Notice of Intent: 58 Cottage Colony, Map 159 Lot 34 (Single Family Home Addition/Tight Tank), Norma Aldrich – Possible votes

The work involves a proposed construction of a wastewater tight tank and a small, attached addition for an existing cottage and construction activities are within 100 feet of Whitins Reservoir. Margaret Bacon with Civil Site Engineering representing the applicant for a proposed improvement to an existing cottage with a tight tank and extending the house by 10 feet and a deck beyond that and a new well. The septic is approved but she has not heard back about the well approval yet, the erosion controls are straw waddles. Steve Zisk showed the Commission site photos, and the Commission asked Ms. Bacon to add a 25-foot buffer to the plans and if there are stairs off the deck to add them to the plan. There were no comments from DEP, Ms. Bacon asked if she could mark the minor comment changes on the plan tonight and permit this project tonight so the applicant can start the well because she doesn't have any water die to not being able to use the old well. The Commission said they cannot do that tonight cause the order is not even ready, so Ms. Bacon will revise the plan by adding the 25-foot buffer, add the deck stairs and try to move the well a little and come back in two weeks. Ms. Bacon asked if there was anything the applicant could do about starting the well and Ms. Sharkey stated that she would have to look to see if there is an exemption for potable water and let her know.

(2:01:35 TS) Motion to continue the public hearing to August 7, 2023, at 7 PM made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

13. (2:02:00 TS) 7:00 PM (NOI – DEP #143-1025) Public Hearing: Amended Order of Conditions: 175 Southwest Main Street, Map 226 Lot 17 (Floodplain Storage), Lloyd Morin – Possible votes
The proposed work involves an amended order of conditions in response to comments from the building department; the conservation plan previously submitted was revised to raise the elevation of the foundation of the building above the flood elevation, which requires more filling of the flood zone than previously approved. Byron Andrews representing the applicant and go over the plans and comments and revisions with the Commission. The amendment to the plan shows the retaining wall and that there is not net increase to before the house was built and this proposal is an improvement to the last one because the foundation of the house will be out of the flood zone. The Commission needs the applicant to submit a new form 3 with all the updated floodplains, and the Commission will need to wait for DEP's comments before closing this.

(2:13:35 TS) Motion to continue the public hearing to August 7, 2023, at 7 PM made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

14. (2:14:15 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: 273 Southeast Main Street, Lot 1, Map 266 13 (Single-Family Home), New Sherborn, LLC – Possible votes
The proposed work involves construction of a single-family dwelling with private sewerage disposal and private well with associated earthwork, driveway, landscaping, and utilities within the 200-foot perennial stream front. Byron Andrews representing New Sherborn LLC, they were able to keep all the work outside the wetland buffers however some of the work would occur

within 200-foot buffer of Green Brook, but all the work is outside the 100-foot buffer, the closest work to the river buffer is 124 feet from the bank and the area of disturbance is 9.8 % of the area in the buffer. Ken Temple, 270 Southeast Main St, and is concerned about a culvert just south of Pine and Linden St that runs through the corner of his property and sometime the culvert gets backed up and the road gets flooded and doesn't know if that needs to be addressed with this property. Ms. Sharkey asked Mr. Temple to make the Town aware of the issue too and that these lots should not affect that culvert. Justin Piccirillo, Slater St in Attleboro and owns property to the west and south of this location and wanted to voice his concern for the overall scope of this project and that his property is down gradient from this project and that there is a substantial amount of water that comes across Southeast Main and flows down through his properties and asks that the Commission take note of any additional impact in terms of runoff from the sites. Mr. Piccirillo is also concerned about there being additional building projects down the road on this site. Ms. Sharkey stated that they must deal with these lots as single-family lots and that they will focus on making sure the runoff from these sites is mitigated.

(2:23:40 TS) Motion to approve Ecotech Consulting proposal of \$650.00 for lot 1, made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(2:33:15 TS) Motion to continue the public hearing to August 7, 2023, at 7 PM made by Eric Harris, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

15. (2:33:40 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: 279 Southeast Main St, Lot 2, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC – Possible votes
The work involves the construction of a single-family with private sewerage disposal and private well with associated earthwork, driveway, landscaping, and utilities within the 100-foot buffer zone. Byron Andrews stated for the Commission that this lot is far enough away from the riverfront but there is work within the 100-foot buffer.

(2:37:45 TS) Motion to approve the presented plans and proposal for Lot 2 made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Mr. Piccirillo asked if there was a replication area involved with this lot and Mr. Andrews stated that no because none of the wetlands are being disturbed. Mr. Mungeam asked if there is any tree planting proposed to compensate for trees being removed from the sites with the 50 to 100- foot buffer area. Mr. Andrews stated that there is no proposed tree planting at this time. Mr. Andrews will lessen the limit of work behind the proposed septic.

(2:42:30 TS) Motion to continue the public hearing to August 7, 2023, at 7 PM, made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

16. (2:43:25 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: 283 Southeast Main Street, Lot 3, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC – Possible votes
The work involves the construction of a single-family with private sewerage disposal and private well with associated earthwork, driveway, landscaping, and utilities within the 100-foot buffer zone. Mr. Andrews showed the Commission the plans and stated that he was able to keep the house and the septic outside the 50-foot buffer, there is some work that will be going on between the 50-foot and the wetlands. Most of the work will be 25 feet or more away from the wetlands with exception to some work in the driveway with the closest point of 12 feet from the wetland. The erosion controls are straw waddles and Ms. Sharkey stated that the 10 foot is going to need silt fence too.

(2:49:20 TS) Motion to approve the proposal for \$650.00 for review of this lot made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

The Commission asked Mr. Andrews to check on stairs front and back of the house and decks.

(2:52:05 TS) Motion to continue the public hearing to August 7, 2023, at 7PM, made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Updates:

17. (2:52:50 TS) 115 Shore Road, Culvert Replacement – Update

The Commission has the emergency certificate for the Town Counsel to sign tonight.

18. (2:53:00 TS) Reorganization

Tracy Sharkey opened nominations for chair and Mark Mungeam nominated Tracy Sharkey for chair 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Mark Mungeam nominates Katiegrace Dudley for vice chair, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meetings: August 7, 2023 & August 21, 2023

(2:55:00 TS) Motion to adjourn the meeting made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Respectfully submitted,

Stephenie Gosselin