

CONSERVATION COMMISSION
MONDAY, SEPTEMBER 18, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Katiegrace Dudley, Joe Fitzpatrick, Mike Greco, Jim Foran

Absent: Eric Harris, Mark Mungeam

Tracy Sharkey called the meeting to order at 7:02 PM.

Discussion:

1. (0:10 TS) Mail/Orders to be signed:
 - Potential Commission Member – Possible votes
Commission will table, the applicant is putting their application on hold.
 - Certificate of Compliance, (DEP #143-1062), Brian Specyalski, 56 Bigelow Road – Possible votes
Brandon Faneuf visited the site with the owner, and he believes the site is in substantial compliance with the certificate of compliance and recommended a complete COC.
(1:35 TS) Motion to issue a certificate of compliance to 56 Bigelow Road made by Joe Fitzpatrick, 2nd by Mike Greco. The vote passed unanimously.
2. Updates
 - (2:15 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)
Mr. Benoit received an update from Art Allen, and the site is progressing as scheduled.
 - (2:30 TS) 115 Shore Rd, Culvert Replacement
They received a report from Jeff Walsh today at 5 pm, so they will table this until the next meeting in order to review the report. Ralph with Alpha Omega engineering representing the applicant Diane Miller and stated that the pipe has been replaced and Jeff Walsh was on the site during the whole replacement, and he has the as-built ready for the Commission tonight. They requested to be put on the agenda for October 2, for request for Certificate of Compliance.
 - (5:25 TS) 17 Potter Rd, Enforcement Order
Glenn Krevosky with EBT Environmental stated they heard from Matt Benoit today and just received the final plans after a few revisions and he gave the checks, NOI, and plans to the Commission.
 - (6:30 TS) Brian Keevan, 41 Pine Street Donation form 2014
They are currently looking for the materials for the sign.
3. (7:20 TS) Lakeshore Drive Enforcement Order – Possible votes
Brandon Faneuf stated that the enforcement order was drafted by Attorney Winner and he reviewed and sent it out August 24, and since then letters and emails have come in from owners of the property stating whether they should be enforced against. Mr. Faneuf and Mr. Benoit went to the site a couple weeks ago and walked the site with Mr. Moran and Mr. Goodison on site, and the issue is how to move forward from here. The restoration plan was due September 8, there is an association that has many parties involved and one property owner that was affected that needs restoration which is Mr. Moran's property. Attorney Henry Lane representing Mr. Moran and the engineer Scott Ralph with OHI Engineering are present to discuss the matter. Attorney Lane stated that it is not reasonable to issue an enforcement order against the victim of the situation, Mr. Moran is at the bottom of the hill and he is not causing the problem, the water coming down Lakeshore Drive crosses his property and ends up with all

the sedimentation. Mr. Moran has an engineer ready to complete the topography and to map all the flows and in the interim, they are requesting that they lift the enforcement order against Mr. Moran. They passed the plans around for the commission to review and the engineer went over the plans showing where the water is flowing. Mr. Moran is happy to enter into an agreement to allow work to be done on his property once the work being done is agreed. Ms. Sharkey stated that Mr. Moran is the person affected by this and it needs to be restored and the owners of the cause have to pay for it, they commission has not received a restoration plan and will give till the next meeting on October 2 to receive that. Attorney Lane argued that Mr. Moran being the victim is the only having to do plans for restoration and there are no other plans from the others being affected by this and asked that some pressure be put on them to what Mr. Moran is being asked to do. Mr. Faneuf stated that he knows that Mr. Goodison had a notice of intent and a subsequent order of conditions issued and that he created a berm and put up some boulders which Mr. Faneuf suspects may be adding to the issue. Mr. Faneuf suggested maybe doing a topo showing the flow of water before the berms and boulders were installed and the flow now, and that it is funneled in the wrong direction. Regarding Mr. Moran being included in the enforcement order Mr. Faneuf agrees with Ms. Sharkey because there is still a pile of sediment in Manchaug Pond that is off his bank and because it is technically his property the violation goes to the property not the person but may not put so much of the pressure on Mr. Moran but not take him off the order completely. Ms. Sharkey also stated that she is putting a pin all fines for this project. The commission would need the plan submitted by September 28 for the October 2 meeting.

4. (27:10 TS) Discussion, 75 Old Farm Road (DEP #143-0661) – Possible votes
Ralph with Alpha Omega Engineering to present the plans that were approved in 2005, and the work was all the way to the edge of the wetland and because of the distance between the septic and the well they cannot move it. The applicant would like to buy the property and propose a much smaller house so the septic will be smaller and possibly be able to move the well a little further away from the wetland. Currently the distance between the well and septic is 102 feet and the well is 10 feet from the wetland, they are keeping everything outside the 50-foot buffer except the well. They will re-flag and re-notify, and Ms. Sharkey stated that she is not opposed to the previously approved plans if they can demonstrate there is no other location possible.
5. (31:15 TS) Request for Certificate of Compliance, (DEP #143-0696), Debora & Frank L. Still III, 11 Newport Drive, Map 142 Lot 31.3 – Possible votes
John Grenier with J.M. Grenier Associates on behalf of the homeowner. Mr. Benoit stated that he wasn't sure how to proceed with this because they no longer have a conservation agent so would leave it up to the commission to decide how to handle it if they want to involve Mr. Faneuf or tackle it. Mr. Grenier stated that the owner of the property just sold it and moved to Texas, and this will just clear the title for that transaction.
(36:10 TS) Motion to issue a certificate of compliance for 11 Newport Drive, made by Mike Greco, 2nd by Joe Fitzpatrick. The vote passed unanimously.

New Business:

6. (36:35 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 23 Laurel Glades, David Gautreau (Tree Removal) Map 148 Lot 35 – Possible votes
The ad was placed making tonight the 5th day, Mr. Gautreau stated that the woman at the T&G placed the ad with what he told him he needed for the requirement to be at the meeting tonight. Mr. Faneuf stated that he believes it is fine because this is the 5th day, and the day is at its end. The applicant is asking permission to remove 3 trees that are damaged from lightning strikes that are now a hazard. Mr. Gautreau showed pictures of the trees, and they would grind

the stump in place with no machinery. Mr. Forno inspected the trees, found they were hollow, and are a safety hazard.

(48:10 TS) Motion for a negative determination of applicability made by Joe Fitzpatrick, 2nd by Mike Greco. The vote passed unanimously.

Old Business:

7. (48:50 TS) 7:00 PM (NOI – DEP #143-1083) Public Hearing Continued: Notice of Intent: 125 Ledgestone Road, Map 110 Lot 11 (Single Family Home), Jacob Bloniasz – Possible votes Jude Gauvin with OHI Engineering and stated that Steve was going to write an order of conditions with the conditions for one tree removal and some vista pruning and relocating the utility poles that would minimize the disturbance to the resource area. They are looking for the commission to close the public hearing.

(50:30 TS) Katiegrace Dudley joined the meeting.

(51:20 TS) Motion to close the public hearing made by Katiegrace Dudley, 2nd by Joe Fitzpatrick. The vote passed unanimously.

(51:40 TS) Motion to issue the order of conditions for 125 Ledgestone Road with the usual conditions as written up by Steve made by Katiegrace Dudley, 2nd by Mike Greco. The vote passed unanimously.

8. (52:10 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

There is a continuation request for this item.

(52:40 TS) Motion to continue the public hearing to October 2, 2023, at 7 PM made by KG Dudley, 2nd by Joe Fitzpatrick. The vote passed unanimously.

9. (53:00 TS) 7:00 PM (NOI – DEP #143-1080) 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 representing the applicant. There have been issues with the stormwater for these lots and KG Dudley had requested at the last meeting that they have a stormwater management plan done for the three lots. The standard is if its 4 lots or smaller stormwater is not required but with this being part of a bigger parcel with the potential for more lots, they are inclined to have the stormwater management done. Mr. Faneuf read the subsection requirements:

“Phase projects, the determination of whether stormwater management standards apply is made on the entire project as a whole including all phases...”

Mr. Faneuf also read in the email that there are only 3 lots being proposed now and there is no certainty that there is going to be any more in the future, and he does not see why anyone would create a nine-lot subdivision without plans to do all nine. Mr. Faneuf called the reviewer Tom Rebula and he talked to Judy Schmitz who is the section chief, and they absolutely believe that even if their ARN lots are over 4 they have to do stormwater management and that the subsection does apply. They did say that once they hit 5 lots stormwater will be required and that it will retroactive all the way back to lot 1, which is why they emphasize that the commission should strongly encourage the use of stormwater. They did not say they needed a stormwater checklist but some sort of stormwater mitigation like dry wells and grass swales and infiltration strips. Mr. Faneuf suggested maybe doing a stormwater restriction on all the rest of the lots. The commission is requesting the applicant’s cooperativeness is looking at stormwater management and continuing to the next meeting so Mr. Clough can speak with the applicant, and the commission is looking for some stormwater to be proposed but not a report until lot number 5. The commission also discussed the riverfront restrictions aggregate back when these

lots were one lot. Mr. Clough stated that he believes they are not over the 10% for this lot and there is nothing proposed within the riverfront area for the other lots. Art Allen's report stated that they only need to keep tract of the aggregate.

(1:12:20 TS) Motion to continue the public hearing to October 2, 2023, at 7 PM made by KG Dudley, 2nd by Joe Fitzpatrick. The vote passed unanimously.

10. (1:12:40 TS) 7:00 PM (NOI – DEP #143-1081) Public Hearing Continued: Notice of Intent: 279 Southeast Main Street, Lot 2, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC – Possible votes

Mr. Clough stated that this lot has all work outside the riparian zone and previously addressed comments raised by Ecotec. The commission has the same requests as the previous lot.

(1:14:15 TS) Motion to continue the public hearing to October 2, 2023, at 7 PM made by KG Dudley, 2nd by Mike Greco. The vote passed unanimously.

11. (1:14:30 TS) 7:00 PM (NOI – DEP #143-1082) Public Hearing Continued: Notice of Intent: 283 Southeast Main Street, Lot 3, Map 266 Lot 13 (Single Family Home), New Sherborn, LLC – Possible votes

Mr. Clough stated that lot 3 is similar to the previous lot, they have addressed the comments from Ecotec, and they had requested 2 waivers, one for deck that is proposed 38 feet from the wetland edge and is completely outside of the 25-foot limit of work. The second one is related to the septic tank and septic piping, with a closest point of about 39 feet located within a lawn area.

(1:21:25 TS) Motion to grant both requested waivers for the tank location and the deck off the rear, made by Mike Greco, 2nd by Jim Foran. The vote passed unanimously.

(1:22:00 TS) Motion to continue the public hearing to October 2, 2023, at 7 PM made by KG Dudley, 2nd by Joe Fitzpatrick. The vote passed unanimously.

12. (1:22:30 TS) Meeting Minutes: May 8, 2023, May 22, 2023 & June 5, 2034

The commission will review the minutes and table the vote for approval until the next meeting.

Upcoming Meetings: October 2, 2023 & October 16, 2023

(1:23:45 TS) Motion to adjourn the meeting made by KG Dudley, 2nd by Jim Foran. The vote passed unanimously.

Respectfully submitted,

Stephenie Gosselin