

CONSERVATION COMMISSION
MONDAY, NOVEMBER 20, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Brandon Faneuf Conservation Agent

Absent: Vice chair Katiegrace, Jim Foran

Tracy Sharkey called the meeting to order at 7:01 pm.

1. (0:10 TS) Mail/Orders to be signed:
 - Master Plan Committee Letter - Possible votes
Nobody present at the meeting wants to join so the board will ask Jim Foran or Katiegrace Dudley if they are interested.
 - Whitin Reservoir Water Readings - these were sent to the members via e-mail and printed out in their packets.
 - Letter from J.D. Marquedant - stating he is no longer involved in one of the projects he previously worked on dated November 1, 2023
 - Letter from MassDEP - Whitin Reservoir Watershed withdrawal - they have withdrawn their request for a superseding order of conditions.
2. (2:15 TS) Meeting Minutes: May 8, 2023, May 22, 2023, June 5, 2023, June 26, 2023, & July 17, 2023 - Possible votes
(6:15 TS) Motion to approve the May 22, 2023, meeting minutes as amended made by Mark Mungeam, 2nd by Mike Greco. Roll call vote - Eric Harris, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor, Joe Fitzpatrick abstained.
3. (7:05 TS) 2024 Meeting Schedule - Possible votes
Mr. Faneuf stated that he resolved his schedule conflict with the town of Mattapoisett, and the only day that needs to be changed is Monday May 27 because it is Memorial Day. They discussed dates and agreed on changes to the schedule.
(10:10 TS) Motion to accept the 2024 meeting schedule as amended made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.
4. (10:35 TS) Update
 - CRG, 105 & 123 Gilboa St (DEP - #143-1042)
Art Allen stated they are getting close to the end of construction and are proposed to finish in December. His last inspection was on November 10 and provided a report that requested they stabilize the area under the new bridge that has had several sediment discharges. The response back was they plan to stabilize that area when they decommission it because it is too dangerous to do it right now. Mr. Allen does not understand what he means by too dangerous because he goes under the bridge every time he does an inspection. He feels they need to get that area of the riverbed stabilized and cleaned up. Mitch Rausch with Clayco stated that they are not willing to do what Mr. Allen suggested, that they have a silt fence in place, and that it is doing its job and as necessary, they are cleaning out behind it and when they are cleaning everything out, they will replace it all. The conservation commission agreed on wanting the area under the bridge to be stabilized and cleaned up now. Mr. Rausch stated that he will be on site on Monday and asked that Mr. Allen meet him there and they will address it.

- (21:05 TS) Brian Keegan, 41 Pine Street Donation from 2014
The commission would like an update from open space if they have made any progress with the parking area. They would also like to know if the sign has been made yet, and if it is not made yet, if they must vote to allocate the funds to pay Will Anderson for the sign. The Keegan family has approved the signed verbiage.
- (23:10 TS) Lakeshore Drive Enforcement Order (signatures) - Possible votes
Mr. Faneuf stated there is no other update. The enforcement order has been ratified. Attorney Lane stated that his client Mr. Moran is the only one that has complied with the town's request, and he feels that they should make the others comply as well. Attorney Lane is still requesting that they amend the order and require a storm water management plan. Robert Moran stated that they have complied with the order and that as far as he knows; no one else has hired an engineer or has undertaken restoration plans. Mr. Cahill has added a pipe for stormwater roof drains depositing water on Lakeshore Drive. Mr. Goodison has constructed a barn and put in a driveway where the direction of runoff is. Mr. Moran stated his frustration and concern about continuing to spend money to solve the problem he did not create. Mr. Faneuf stated that unfortunately according to DEP the town could not require stormwater management until they reach the fifth lot. They discussed the lot numbers being cleared and developed and the legality of what they can do. They looked at the homeowner's association document to find out who is responsible for the road and who owns what parts of the road. Mr. Moran is looking for the commission to require the person responsible for the sediment crossing over his property into the lake to rectify it. They also discussed the effects that Mr. Goodison's new driveway has on the runoff to the road and that it has gotten worse.

5. (48:20 TS) 69 Woodland Rd Discussion, Map 237 Lot 22, DEP # 143-0932 - Possible votes
David Sadowski the contractors engineer at the site, and he provided the amended plans for review. There is an original plan, amended plan, and the plan currently being proposed tonight. The current plan shows a smaller house and looks like the impact will be less. The commission needs to decide whether the changes are significant enough to have another amendment required or can this be approved as a minor change? Mr. Sadowski asked if they could have a site visit. The Commission agrees they should do a site walk and suggests getting a list of all the changes to the plan. Mr. Faneuf suggests that they request an as-built plan because this current plan in front of them is not going to cut it. Mr. Mungeam stated that he is OK with a minor modification because this is less work being done in the wetlands buffer zone, but he would also like a clear list of all the changes. The commission is looking for a more detailed plan and a narrative of all the changes, and all the conditions agreed-upon, including the plantings and DEP sign put up and they are going to do a sidewalk.
(1:10:50 TS) Motion to consider this as a minor modification as long as the previously discussed conditions are met and information is provided to the towns consultant made by Mark Mungeam, 2nd by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

6. (1:11:50 TS) Douglas Camp Meeting Discussion, Tree Cleanup – possible votes
Dave Blaney president of the camp, he provided pictures of the trees, and is looking for guidance from the commission on what the process is, he would need to take to have the trees removed. He also stated that there are several dozen trees that endanger the buildings because it has been decades since they have been taken care of. The commission stated that he needs to mark all the trees he would like removed, and then they would go for a sidewalk and look at them, and they suggest submitting a request for a determination of applicability (RDA).

7. (1:17:25 TS) Request for Certificate of Compliance, (DEP #143-0974), John Gordon, 49 Woodland Rd., Map 237 Lot 9 - Possible votes
Dave Marquedant with J. D. Marquedant & Associates, Inc. along with the applicant to answer any questions from the commission. The commission has a written letter and photos. Mr. Faneuf has visited the site and said that it is well stabilized. Mr. Marquedant went over the plans and stated that there has been no erosion since the controls have been put in. Mr. Faneuf would suggest the commission have them take out the silt fence before they issue the certificate of compliance.
(1:26:55 TS) motion to issue the certificate of compliance with the condition that the silt fence be removed before it is released made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

8. (1:27:35 TS) 31 North St., Possible Violation - Possible votes
Tania Marcano, property owner put stone over the re-grind because grass was growing. The commission stated previously that she needed to do a notice of intent for the work, she wanted to do but she did an RDA instead. She either must restore it back to what it previously was or a notice of intent or come back with some calculations and a plan for what she proposes to have done. Ms. Marcano will send Mr. Faneuf an email with what she intends to do and when.

9. (1:46:35 TS) 7:00 PM (NOI - DEP #143-1086) Public Hearing: Notice of Intent: Nicholas & Marybeth Mello, 209 Southwest Main St (single-family home & tight tank replacement) Map 227 Lot 34 - Possible votes
Mark Mungeam recused himself.
The proposed work involves removal of an existing seasonal cottage and proposed construction of a small house, well, and replace an existing tight tank and the proposed work activities are within the 100-foot buffer zone of Laurel Lake. Margaret Bacon with Allen engineering went over the plans and stated that this is a pre-existing non-conforming lot. Mr. Faneuf showed pictures of the site, the commission would like to see the increase in disturbance to the plan and the existing tree line, the existing conditions and setbacks. Ms. Bacon will make the requested revisions to the plan. Mark Mungeam 195 Southwest Main St, listed all the things he would like to see on the plan, and had questions about the tight tank and how will the pond be protected, and what the materials for the driveway are and where the parking will be.
(2:14:25 TS) Motion to continue the public hearing to December 18 at 7 PM made by Joe Fitzpatrick, 2nd by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Tracy Sharkey all in favor.

10. (2:15:25 TS) 7:00 PM (NOI - DEP #143-1087) Public Hearing: Notice of Intent: Steven Bloem, 4 Summer Court, (Septic Repair & Tree Removal) Map 111 Lot 1 - Possible votes
Margaret Bacon with Allen Engineering with the applicant requesting a permit to replace the failed septic system and remove some trees near the septic and the lake, proposing a garage outside the buffer zone. They received a letter from an arborist about the removal of the trees due to being a hazard and the stumps ground out so that ants do not become a problem, and Mr. Faneuf agrees that they could be a danger to the house. When the DEP issued the number, they asked if any of the lawn was part of the great pond in previous years that anyone knows of, and the applicant stated that he does not know of any of amount that would have been part of the great lake.
(2:24:10 TS) Motion to close the public hearing made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.
(2:26:15 TS) Motion to issue the order of conditions made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

11. 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 93 Cliff St, Pyne Sand & Stone Company, Inc. (Material Processing Facility) Map 106 Lots 3,4,5,6,7,9,9.1,9.2 – Possible votes

The proposed project is for the proposed Pyne Sand & Stone earth material processing facility to be located at 93 & 69 Cliff St in Douglas, they are proposing to process various soil, gravel, stone, and construction & landscaping materials by mixing those using stone crushers, screening plants and use of heavy construction machinery. Construction will involve extensive grading to split the site into upper and lower yards, the upper yard will be used for the processing of earth materials and the lower yard will be used exclusively for asphalt, brick and concrete recycling operation and is located greater than 100 feet from any wetland resource areas. Murray Bristol, David Feist from CMG and Scott Jordan with Ecotec. They stated the Planning Board suggested they come before the Conservation Commission, file, and RDA. Mr. Faneuf showed an aerial view of the site to note where the wetlands are located, he also asked if they could add 5 more feet to the area on the slope that is right up to the 100-foot buffer, and they responded that they would do that.

(2:35:40 TS) Motion to issue a negative determination of applicability with the condition that at the bottom of the basin the erosion control will be 5 feet from the 100-foot buffer made by Mark Mungeam, 2nd Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

12. (2:36:35 TS) 7:00 PM (NOI – DEP #143-1084) Public Hearing Continued: Notice of Intent: The Widak Family Trust, 34 Cobblestone Lane, (Single-Family) Map 196 Lot 20 – Possible votes Lindsey Sarah Emanuel 48 North St Douglas and Bruce Wilson the engineer presented the DEP number. Mr. Faneuf only requested that the flags be refreshed on the property.

(2:38:00 TS) Motion to close the public hearing made by Mike Greco, 2nd Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

(2:38:15 TS) Motion to issue the order of conditions made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

13. (2:38:35 TS) 7:00 PM (NOI-DEP #143-1085) Public Hearing Continued: Notice of Intent: Jessica Bengston, 11 & 17 Potter Road, Map 136 Lot 8 & 9 – Possible votes

Glenn Krevosky from EBT Environmental stated the DEP issued the number and rare species issued their letter that they were not affecting the habitat that is there and he went through the plans and erosion controls. Mr. Faneuf did a site walk and reviewed the wetland boundary and everything looks good and asked about the agricultural aspect and talked about the river front area buffer amount to be able to have the 100 instead of 200. You have to be selling products in order to be eligible for the 100-foot reduction. Natural Heritage requires that any work be done during the inactive season from October 31 – April 15. They requested a non-creep barrier to not encroach in the 100 feet for future owners and suggested that some of the boulders being moved could be placed on the 100 feet for a permanent barrier.

(2:59:20 TS) Motion to close the public hearing made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

(2:59:35 TS) Motion to issue an order of conditions with the special conditions to reiterate the Natural Heritage endangered species program condition, that there be 2 years of monitoring with at least 6 months of growth, boulders to be placed at the 100-foot river front area as long-term demarcation made by Mark Mungeam, 2nd by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

14. (3:01:10 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

Mr. Faneuf went to the site and took pictures. Byron Andrews with Andrews Survey and Engineering/DiPrete Engineering representing the applicant. The issue presented at the previous meeting was that the current notice of intent that was approved has an area of disturbance that was substantially different from what was being requested with the amended order of conditions. In 2021 they applied for an NOI, Mr. Morin wanted to add a garage and put a foundation under his existing house that had a crawl space there. They stated how they determined the floodplain elevation and they established that there was extra flood storage in excess of what they normally would have. At the last meeting it was found that the NOI that was approved had numbers for the flood storage area that were quite a bit different than what they are talking about now, there is a 16% difference from December 2021 to now. If the commission thinks that an amended order of conditions is sufficient, they can approve it tonight but if they need to submit a new notice of intent. The commission already came to a decision that they would consider this an amended order.

(3:18:20 TS) Motion to close the public hearing made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

(3:20:10 TS) Motion to issue an amended order of conditions for 175 – 181 Southwest Main St made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

Upcoming Meetings: December 18, 2023

(3:21:45 TS) Motion to adjourn the meeting made by Mark Mungeam, 2nd Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, Tracy Sharkey all in favor.

Respectfully submitted,

Stephenie Gosselin