

CONSERVATION COMMISSION MEETING with  
REMOTE ZOOM MEETING OPTION  
Monday, January 8, 2024

Attendance: Joe Fitzpatrick, Mike Greco, Mark Mungeam, Eric Harris, Brandon Faneuf Conservation Agent, Matt Benoit, the Director of Community Development, Samantha Carew: assistant to Mr. Faneuf.

(8:28 TS) Katiegrace Dudley joins meeting.

**Discussion:**

• **REORGANIZATION**

(:20 TS) Matt Benoit, the Director of Community Development called the meeting to order.

(1:48 TS) Mark Mungeam nominated Joe Fitzpatrick as Chair of the Commission. 2<sup>nd</sup> by Mike Greco. Roll Call vote Mark Mungeam, Eric Harris, Joe Fitzpatrick, Mike Greco.

(2:15 TS) Joe Fitzpatrick nominates Mark Mungeam as Vice Chair. 2<sup>nd</sup> by Mike Greco.

Roll Call vote Mark Mungeam, Eric Harris, Joe Fitzpatrick, Mike Greco.

1. **Mail/Orders to be signed:**

**None**

1. **(3:50 TS) Meeting Minutes: May 8, 2023, June 5, 2023, June 26, 2023, July 17, 2023 & August 7, 2023 – Possible Votes**

Chair Fitzpatrick wanted to table the minutes until the end of the meeting. Mr. Mungeam agrees.

1. **(4:23 TS) 83 Island Road, (DEP #143-1066), Discussion possible minor modification- Possible Votes**

David- Builder for Cutler Building is representing the homeowner. Mr. Faneuf shows photos and gives his recommendation that that this is a minor change and needs no amendment to the order of conditions.

(7:39 TS) Mark Mungeam moves that they approve the minor change the meter location not requiring a change to the NOI. 2<sup>nd</sup> Mark Mungeam. Roll Call vote Mark Mungeam, Eric Harris, Joe Fitzpatrick, Mike Greco.

(8:28 TS) Katiegrace joins meeting.

1. **Updates**

• (8:52 TS) Matt Benoit recommends to the chair to take CRG, 105 & 123 Gilboa St (DEP #143 1042) before Oak Street.

• (10:13 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)

Todd Morey from Beals & Associates gives an update of the washout of the roadway and the failure of the infiltration basins.

(23:37 TS) Chair Joe Fitzpatrick asks where the parking lots drains to? There was much discussion about the failure and the plan moving forward.

(27:04 TS) Mark Mungeam asks what has been done in the last two weeks to get the infiltration basin working properly. Mr. Morey states, "We have not done anything. We were waiting on the enforcement order from Uxbridge.

(27:26 TS) Katiegrace Dudley expressed her concern they did not start clean up.

(32:38 TS) Mr. Faneuf shows pictures Joe Fitzpatrick took of the failure 5 days after the event. More discussion of drainage rates and washed-out riprap.

(34:00 TS) Mr. Morey is adamant that the reason the basin is not draining is that the sediment is holding it back.

(36:09 TS) Mr. Fitzpatrick states he is not confident in the current plan.

(38:29 TS) Mr. Mungeam recommends an enforcement order and fines.

(45:33 TS) Motion made by Katiegrace Dudley to issue an enforcement order. 2<sup>nd</sup> by Mark Mungeam. Roll Call vote Mark Mungeam, Eric Harris, Katiegrace Dudley, Mike Greco, Joe Fitzpatrick all in favor.

(46:27 TS) Katiegrace makes a motion to issue fines. 2<sup>nd</sup> Eric Harris. Mr. Mungeam has questions.

(47:24 TS) Katiegrace makes a new motion to issue the fines until the plan is received, reviewed, and implemented. Mr. Faneuf explains the ticketing process. Mr. Mungeam 2nd the motion. Roll Call vote Mark Mungeam, Eric Harris, Katiegrace Dudley, Mike Greco, Joe Fitzpatrick all in favor.

(50:35) Mr. Faneuf mentions that paperwork needs to be signed for the enforcement order.

- (51: 02 TS) Oak Street Solar Project (DEP #143-0989)

Representatives from the Oak Street project give an update. Greg Morehouse project manager with Mill Creek Renewables, Jason Smith representing the owner of Blue Wave Solar, Devin Herrick Certified wetland scientist with Weston and Sampson. Mark Sylvia Chief of staff for BlueWave. Jeff Murphy from Beals & Associates.

(1:19 TS) Mr. Faneuf asks if soil samples were taken. Yes, Pace is the name of the company testing the soils.

(1:21 TS) Mr. Faneuf brings to the attention that Weston & Sampson is a contractor to the Town of Douglas and he is looking for a firewall statement submitted to the town ASAP.

(1:23 TS) Mr. Faneuf addresses concerns about the basins not draining.

(1:42 TS) Mr. Mungeam asks if they should put an enforcement order in place.

(1:43 TS) Mr. Faneuf informs the board of water being pumped onto the Kroll property.

(1:46 TS) Lisa Mosczynski 60 Oak St. speaks. Mr. Faneuf shares pictures.

(1:57 TS) Phyllis Charpentier president of the Manchaug Pond Foundation wants to hear more about remediation for the BMP's.

(1:59 TS) Lori Hout 41 Oak St has questions about land clearing. She also stated that she believes fines need to be issued.

(2:07 TS) Jason Smith with Blue Wave Solar addresses Ms. Hout's question.

(2:09 TS) Shirley Mosczynski 60 Oak St. asks about soil testing and when it will be done. Devin Herrick replies.

(2:14 TS) Mr. Faneuf states there is a verbal agreement to that the developers that they can perform soil testing on 60 Oak St with Mr. Faneuf present.

(2:16 TS) Lisa Mosczynski 60 Oak St. Wants to add to the order of conditions to include PFAS testing.

(2:18 TS) Charla Kroll 78 Torrey RD Sutton (remotely) speaks about the water problems on her property and with the diversion ditch, causing parts of her driveway to wash out.

(2:27 TS) Chair Joe Fitzpatrick speaks about not being confident about the site handling water and would like a plan and TOPOS.

(2:27 TS) Mr. Faneuf states there is a restoration plan. There is more discussion with Katiegrace and Mr. Fitzpatrick.

(2:29 TS) Mr. Smith from Blue Wave Solar speaks. He defers to Jeff Murphy.

(2:31 TS) Jeff Murphy from Beals & Associates speaks to the flow of water.

(2:33 TS) Katiegrace states the silt fence needs to stay in regards to the Kroll property and notes she needs to leave at 9:30pm.

(2:34 TS) Mr. Faneuf speaks about the next steps going forward.

(2:35 TS) Mr. Fitzpatrick states he was alerted to trucks bringing out a tremendous amount of dirt on the road. He also wants to stress the stabilization.

(2:36 TS) Mr. Faneuf states that "the Sutton Conservation Commission is so livid over this whole situation that if you don't issue an enforcement order for 45 Oak St they are going to try to claim jurisdiction on Douglas land to do it themselves, for the purposes of protecting the people downhill and Manchaug Pond and beyond."

(2:36 TS) Mr. Fitzpatrick states we will issue an enforcement order.

(2:37 TS) Katiegrace makes the motion to issue an enforcement order for Oak St solar project. Check box #3.

(2:37 TS) Mr. Faneuf clarifies the order.

(2:38 TS Mr. Fitzpatrick adds PFAS testing to the enforcement order.

(2:39 TS) Katiegrace makes a new motion to include PFAS testing. 2<sup>nd</sup> Eric Harris. Roll Call vote Mark Mungeam, Eric Harris, Katiegrace Dudley, Mike Greco, Joe Fitzpatrick all in favor.

(2:39 TS) Katiegrace makes a motion to issue the enforcement order. Mr. Faneuf questions it.

(2:40 TS) Katiegrace makes a new motion to maintain the storm water on the street and making sure the water goes into basin #5 and to be aware of the sensitivity and awareness to the roadway, and run-off.

(2:42 TS) Mr. Smith is clarifying what he heard. Katiegrace replies. Conversations about as built plans and basin 5 carry on. (Inaudible by Greg Morehouse) Mr. Smith speaks: we can provide an "in progress by February 12<sup>th</sup>, 2024" for basin 5.

Mark Mungeam 2nds. Mark Mungeam, Eric Harris, Katiegrace Dudley, Mike Greco, Joe Fitzpatrick all in favor.

(2:47 TS) Mr. Smith asks for the enforcement order to be read back to him, Samantha Carew does so.

(2:49 TS) Mr. Faneuf introduces his assistant Samantha Carew. He states there is no cost to the town for her being there.

(2:49 TS) Katiegrace makes the motion to enforce a \$200.00 a day fine. Mark Mungeam 2nds. Roll call: Mark Mungeam, Eric Harris, Katiegrace Dudley, Mike Greco, Joe Fitzpatrick all in favor.

(2:51 TS) Katiegrace leaves the meeting.

- (2:52 TS) Brian Keevan, 41 Pine Street Donation from 2014. The board does not have information they need and skip over this item.
- (2:52 TS) Lakeshore Drive Enforcement Order Robert Moran 56 Lakeshore Drive speaks about a storm water management plan. The board discusses jurisdiction and the restoration plan/enforcement order.  
(3:09 TS) Jack Goodison 55 Lakeshore Dr. states that he works on the road every day.  
(3:17 TS) Mr. Faneuf suggests to the commission that they hold a special meeting just for enforcement orders.

## **New Business:**

### **5. (3:17 TS) 7:00 PM (NOI - DEP #143-10XX) PUBLIC HEARING: Notice of Intent: Christopher Bettencourt, 295 Southeast Main St, Map 266 Lot 13-6 - Possible Votes**

Chair Joe Fitzpatrick opens the public hearing. Mark Mungeam makes a motion to waive the reading of the public notice. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Joe Fitzpatrick all in favor. Mike Greco inaudible.

(3:19 TS) Mr. Faneuf states that he has visited all 3 lots and there is no DEP # for them so the hearing will be continued.

Tom Schultz from Goddard Consulting presents for the property owner. Also, Sofie Shapiro (remotely) from Goddard Consulting presents the plans.

(3:23 TS) Kevin Demers from Dupree Engineering speaks about the placement of the septic system.

(3:25 TS) Mr. Faneuf questions the wetland delineation.

(3:26 TS) Mr. Mungeam asks about drains and Kevin Demers clarifies.

(3:35 TS) Mark Mungeam make a motion to continue until public hearing 1/22/2024, Eric Harris 2<sup>nd</sup>. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

6. **7:00 PM (NOI - DEP #143-10XX) PUBLIC HEARING: Notice of Intent: Christopher Bettencourt, 299 Southeast Main St, Map 266 Lot 13-7 - Possible Votes**

(3:36 TS) Mark Mungeam makes a motion to wave the reading of the public notice. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Joe Fitzpatrick, Mike Greco all in favor.

Tom Schultz from Goddard Consulting presents for the property owner. Also, present, Sofie Shapiro (remotely) from Goddard Consulting.

(3:38 TS) Mark Mungeam questions the slope.

(3:40 TS) Mr. Faneuf also questions wetland flags D79 & D80. He will communicate with Mr. Schultz to set up a site walk.

(3:42 TS) Mark Mungeam make a motion to continue until 1/22/2024 after the site walk. Eric Harris 2<sup>nd</sup>. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

(3:42 TS) Mr. Faneuf points out to the Chair that they did not open the last two hearings to public comment. He does so and there are no public comments.

7. **(3:43 TS) 7:00 PM (NOI - DEP #143-10XX) PUBLIC HEARING: Notice of Intent: Christopher Bettencourt, 303 Southeast Main St, Map 266 Lot 13-8 - Possible Votes**

Chair Joe Fitzpatrick opens the public hearing. Mark Mungeam makes a motion to wave the reading of the public notice. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Joe Fitzpatrick, Mike Greco all in favor.

(3:44 TS) Tom Schultz from Goddard Consulting presents for the property owner. Also, Sofie Shapiro (remotely) from Goddard Consulting present.

(3:45 TS) Mark Mungeam questions buffer disturbance and Kevin Demers from Dupree Engineering speaks about setbacks they can change.

(3:47 TS) Katiegrace left a comment in the chat about stormwater management. Kevin Demers replies.

(3:49 TS) Mark Mungeam make a motion to continue until public hearing 1/22/2024, Eric Harris 2<sup>nd</sup>. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

**Old Business:**

8. **7:00 PM (NOI - DEP #143-1086) PUBLIC HEARING CONTINUED: Notice of Intent: Nicholas & Marybeth Mello, 209 Southwest Main St (Single Family Home & Tight Tank replacement) Map 227 Lot 34 - Possible Votes**

(3:50 TS) Chair Joe Fitzpatrick reads the NOI.

(3:52 TS) Mark Mungeam recuses himself leaving no quorum.

Public Hearing continued to January 22, 2024
9. **(3:54 TS) 7:00 PM (ANRAD - DEP #143-10XX) PUBLIC HEARING CONTINUED: Abbreviated Notice of Resource Delineation: Otwood Investment Group, LLC, 33 & 38 Caswell Court, Map 137 Lots 6 & 8 - Possible Votes**

Margaret Bacon for the applicant. There is discussion about needing peer view. She asks that this be continued to 2/12/2024.
10. **(3:58 TS) 7:00 PM (NOI - DEP #143-10XX) PUBLIC HEARING CONTINUED: Notice of Intent: Deer Crossing Development LLC, Woodland Road, Map 250 Lot 6 - Possible Votes**

Margaret Bacon for the applicant asks for a continuance as she is still waiting of DEP comments. Mark Mungeam make a motion to continue until public hearing 2/12/2024, Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

**11. (4:00 TS) 7:00 PM (NOI – DEP #143-1089) PUBLIC HEARING CONTINUED: Notice of Intent: Brad Reardon, 36 Birch Hill Road (Single Family), Map 284 Lot 20**  
– Possible Votes

Chair ask Mr. Faneuf what they were waiting on for this filing. He replies DEP #. Les Stevens 31 Brookside Dr for the applicant says they now have that. (4:02 TS) Mark Mungeam makes a motion to close the public hearing. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor. (4:03 TS) Mark Mungeam makes a motion to approve the plan for 36 Birch Hill Rd. with conditions. Mr. Faneuf recommends a preconstruction meeting with the contractor. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

The board signs order of conditions and enforcement orders.

(4:08 TS) Mark Mungeam makes a motion to approve the meeting minutes of May 8, 2023 & June 5, 2023. Eric Harris 2nd. Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

(4:10 TS) Mr. Fitzpatrick makes a motion to adjourn and the go right into a roll call vote: Roll call: Mark Mungeam, Eric Harris, Mike Greco, Joe Fitzpatrick all in favor.

Upcoming Meetings: January 22, 2024 & February 12, 2024

Respectfully submitted,

Jennifer Larson