

CONSERVATION COMMISSION
MONDAY, MARCH 6, 2023
RESOURCE ROOM

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

Chair Tracy Sharkey called the meeting to order at 7:00 PM

New Business:

1. (7:00 PM) (0:45 TS) 7:00 PM (NOI-DEP #143-1067) Public Hearing: Notice of Intent: 36 Marilyn Drive, Map 242 Lot 3 (Barn Construction), Kathy Sugrue-Richards – Possible Votes
The work involves proposed construction of a barn and gravel driveway, and the proposed construction activities are within the 100-foot buffer zone of bordering vegetative wetlands. Margaret Bacon with Civil Site Engineering representing the applicants and to review the plan with the commission. The proposed driveway is between the well and the buffer zone to the proposed barn, they did look at different alternatives to minimize buffer zone impacts and this was the only feasible alternative and there are 3 12-inch trees being removed on the plan for the driveway, the trees being removed for the barn are not counted. The closest point to the structure is about 75 feet and there is a stockpile proposed outside the buffer zone, and the plan shows the existing tree line. The commission asked if the paddock could be moved to reduce the impact on the 100-foot buffer and Ms. Bacon responded that she believes that could happen if they had enough area. Ms. Dudley and Mr. Mungeam would like to see the paddock moved in more away from the wetlands, Ms. Bacon stated that they can probably move the paddock in about 5 feet. Ms. Bacon will adjust the location of the paddock and the erosion controls to be moved outside of the 50 wherever it can be done and mark the temporary manure storage and stockpiling and the proposed tree line on the plans. Dan Alps 34 Marilyn Drive has concerns about the wetlands in that are the wetlands in his yard connected to the wetlands in the Richards yard because he has concerns about current pooling near his well. Ms. Bacon stated that she believes that only during high flows that it might feed into the bigger wetland because of a small swale, so it would feed the opposite direction to Mr. Alps property. (7:23 PM) (23:25 TS) Motion to continue the public hearing to March 20, 2023, at 7 PM made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.
2. (7:24 PM) (24:00 TS) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 56 Yew Street, Map 197 Lot 5 (Driveway Construction), Orbison Corp – Possible Votes
The proposed work involves construction of a driveway for a single-family house, activities are within the 100-foot buffer zone of bordering vegetative wetlands. Margaret Bacon with Civil Site Engineering is representing the applicants and presenting plans to the commission, this is a proposed asphalt drive, the culverts are lined up with each other with a natural swale and they didn't want to impede the flow of water. She does not have a DEP number yet, Mr. Zisk showed the commission the site walk video. Mr. Mungeam would like the plan to show the existing trees and what is being removed. The width of the driveway is 12 feet, Mr. Mungeam asked what the width of the clearing is, and Ms. Bacon stated that she would find that out.

(7:36 PM) (36:15 TS) Motion to continue the public hearing to March 20, 2023, at 7 PM made by Eric Harris, 2nd by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

3. (7:37 PM) (37:00 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 45 Martin Road, Southwick Brook (Intermittent Stream Determination) Map 169 Lot 23 – Possible Votes

The applicant is requesting permission to seek a determination that Southwick Brook is an intermittent stream. Mitch Masslanka submitted the request for determination for Southwick Brook that flows through the site, and it is a perennial stream mapped on the USGS maps. The research done showed that in 2007 a determination of applicability was issued by Douglas Conservation Commission determining that this stream was an intermittent stream based on the Wetlands Protection Act, and he is hoping the commission is willing to reissue a determination of applicability stating that the stream is intermittent. EcoTec wanted current documentation showing that it was an intermittent stream. Ms. Sharkey stated that Mr. Masslanka will need to provide the commission with current documentation as well to meet the requirement per the peer review opinion, unless he has something in the Wetlands Protection Act that says they can use historical data without current follow-up within 12 months. The commission is going to continue the matter and they will be looking for all the documentation that can be provided to show proof that it is an intermittent stream. DEP's comment is they are requesting supporting documentation that corresponds with the previous determination for this site and if there is not supporting documentation the new documentation must be submitted, and an expired determination cannot be used as evidence with including the original supporting documentation. Mr. Masslanka is asking the commission and Mr. Zisk if they have any other supporting documentation from the original determination because in his research, he could not find any. Mr. Zisk stated that he would look for some.

(7:50 PM) (50:50 TS) Motion to continue the public meeting to March 20, 2023, at 7 PM made by Joe Fitzpatrick, 2nd by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

4. (7:51 PM) (51:15 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 310 Northwest Main Street, Stephen Black (Tree Removal) Map 159 Lot 10 – Possible Votes
Applicant is requesting permission to remove diseased tree from waters edge, Stephen Black the applicant is present and showed the commission the tree requesting to be removed, it is a concern for his and he will leave the stump per the commission's request. Ms. Dudley asked if the applicant would be willing to replace the tree and Mr. Black stated that he is willing to do that.

(7:54 PM) (54:60 TS) Motion for a negative determination with stump to remain or ground made by Mike Greco, 2nd by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Mr. Black asked the commission if the town has a tree warden and he has determined that a tree is diseased, and a hazard why does a resident have to go through the process of placing an add and coming before the commission. Ms. Sharkey stated that he could suggest that in the town the bylaws allow it as right to remove when it is something clear cut and already determined by the town to be done.

5. (7:58 PM) (58:00 TS) 7:00 PM (NOI-DEP #143-10XX) Public Hearing: Notice of Intent: 61 Yew Street, Map 197 Lot 9 (Relocating Driveway), Taniel Bedrosian – Possible Votes
The proposed work involves the relocation of an existing driveway at 61 Yew Street Lot 1, Lot 2A, Parcel A, assessors map 197, Lot 9; a portion of the work is located within the wetlands buffer zone. Joyce with GLN Engineering representing the applicant showed the commission the plan and stated that they are filing a notice of intent to relocate the existing driveway that serves Lot 57, current driveway comes across Lot 2, and it would be a gravel driveway with the apron of the driveway as it comes off Yew Street will be paved, the slope of the driveway will be approximately 13.5 to 14 %. One question from the commission previously was how they will be ensuring that this driveway will not erode and get into the adjacent buffer zone or resource area. She stated that they are proposing to put a 2-foot wide, 2-foot-deep trench on either side of the driveway that will be filled with riprap and there will be erosion controls put in place during construction, the stockpile will be outside of the 100-foot buffer zone. Mr. Zisk showed the commission the site walk video. Ms. Sharkey asked if she had filed for a driveway permit with the Highway because there was a concern with runoff from Yew Street, Joyce stated that she has not yet filed for a driveway permit. Joyce will submit the revised plan to the commission for their review. Mr. Zisk stated his concern about the 13 % slope as far as the driveway washing away, Mr. Mungeam would like to know how many trees would need to be removed within the buffer zone to create the driveway and if new trees could be replanted where the existing driveway area is. Mr. Mungeam also asked if the plan could show that the driveway is crowned to show the water goes into the two riprap swales on either side of the driveway and at the low end the riprap go into a basin to take off the velocity before it runs into the wetlands. The commission asked if trees could be planted along with seeding the area of the existing driveway proposed to be abandoned and Joyce stated that she could do that.
(8:17 PM) (1:17:55 TS) Motion to continue the public hearing to March 20, 2023, at 7 PM by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.
*17. (8:18 PM) (1:18:35 TS) Review/Discussion on grading plan for 115 Shore Road
There was a request for a continuance, and the commission would like to give their condolences to Ms. Lawrence for the sudden passing of her brother.
(8:19 PM) (1:19:25 TS) Motion to accept the continuance to March 20, 2023, at 7 PM by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.
6. (8:19 PM) (1:19:53 TS) 7:00 PM (ANRAD-DEP #143-10xx) Public Hearing: Abbreviated Notice of Resource Area Delineation: Gilboa St, North St & Rte. 146, Maps 113-115 Lots 1-3, 1-2 & 1, 2, 3, 5 & 8 (Warehouse Project), Fred Ferraro – Possible Votes
Proposed work involves delineation of natural resources areas located on parcels 113-1, 113-2, 113-3, 114-1, 114-2, 115-1, 115-3, 115-5, 115-8. Todd Morey with Beals Associates, representing CRG stated that all the green cards were given to Mr. Zisk, and he also has a \$2,900.00 dollar check to cover the peer review fees.
(8:23 PM) (1:23:30 TS) Motion to accept the proposal by EcoTec in the amount of \$2,900.00 made by Joe Fitzpatrick, 2nd by Mark Mungeam. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

The resources that are on this property were delineated by Jeff D'Ergo with Sage Environmental, flags are out and were update in August and September so everything should be ready for Art Allen to go out and take a look. The property is approximately 255 acres (about 70 acres in Sutton and 185 acres in Douglas). They found 2 resources in Douglas which is Gilboa Brook with a 200-foot river front associated with it, also associated with Gilboa Brook is several pockets of bordering vegetative wetlands. Around 2010-2011 there was a proposal for what was called West Side Connector that was road proposal that came up through Sutton and at some point, in the future when they file a notice of intent the driveway is generally in that same area. The commission will schedule a site walk after the peer review has been done.

(8:32 PM) (1:32:10 TS) Motion to continue to April 10, 2023, at 7 PM made by Mike Greco, 2nd by Joe Fitzpatrick. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

He will also be filing an NOI with the town of Sutton as well as Douglas.

Old Business:

7. (8:34 PM) (1:34:20 TS) 7:00 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, 77 Davis Street, (Road work upgrades) Douglas Schools – Possible Votes
Bob Minarik updated the commission that he and the highway department have not had a change to mark the road for the site walk and that they should be able to get out there and do it this week, but he will Mr. Zisk know, and he will make himself available to be there for the site walk. He will layout the sides of the road and run a transit and mark the grades and they will make a determination at that point how much fill they will need. They are proposing a 24-foot-wide road and Mr. Mungeam would like to see if they can narrow that down due to the wetlands.

(8:40 PM) (1:40:12 TS) Motion to continue to March 20, 2023, at 7 PM made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

8. (8:40 PM) (1:40:45 TS) Orders to be signed
9. (8:41 PM) (1:41:05 TS) Meeting Minutes: December 5, 2022, January 9, 2023 & February 6, 2023
The commission will hold off on minutes.
10. (8:41 PM) (1:41:30 TS) Discussion (RDA) 12 Meetinghouse Lane, Anthony Jennings
The applicant has updated that he previously filed for a 3-car garage and now is changing it to a 2-car garage and pivoting it from the original plans and is requesting to remove a tree that will be 5-feet away from the building. The commission asked that he make the erosion control behind the tree he is removing.
11. (8:46 PM) (1:46:50 TS) Discussion (DEP #143-1020 35 Wallis Street, Electrical Connection – Tony & Denise Brookhouse
Mark Allen with Allen Engineering Associates representing the applicants updated that the project is under construction and sent Mr. Zisk a sketch of the electrical connection between the main house and the boat house a couple weeks ago and wanted to run it by the commission to get their approval. He showed the commission the plans and went over them. Mr. Mungeam requested that the trench be backfilled each day.

(8:51 PM) (1:51:15 TS) Motion to allow the trenching for the electrical conduit install made by Joe Fitzpatrick, 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

12. Review/Updated – CRG, 105 & 123 Gilboa St (DEP #143-1042)

13. (8:51 PM) (1:51:45 TS) Review /Update – BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)
The commission has the construction sequencing notes in their packets, Mr. Zisk stated that there hasn't been any activity out there in a while.

14. (8:52 PM) (1:52:13 TS) Request for Certificate of Compliance (DEP #143-1026) 55 Lakeshore Drive, Jack Goodison – Possible Votes

Kendra Santeria with Guerriere & Halnon joined to receive any comments, the applicant was supposed to be present to answer questions but is not. Mr. Zisk showed the commission his site walk video, there are many changes that were made and one big one was there was a proposed house that was not constructed. The existing house was renovated, and an addition was constructed. The commission needs to determine if this is in substantial compliance of their approval in the order. The commission agrees they would like to take a site walk, and they would like a copy of the approved plan. The commission requests that either the owner or the engineer be available to point out the changes at the site walk. The engineer stated he will have the owner reach out to the commission to schedule a time for the site walk. The commission is going to do a site walk on March 11, 2023, at 11 AM and let the applicant know of the time.

15. (9:03 PM) (2:03:30 TS) Request for Order of Conditions Extension (DEP #143-0920) 229, 187 & 175 Main Street, Allen Riley – Possible Votes

The applicant's existing extension is expiring April 3, 2023, and they are requesting another 3-year extension. Mr. Zisk stated that no work has started on this project.

(9:05 PM) (2:05:23 TS) Motion to grant the extension to April 3, 2026, made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor, Joe Fitzpatrick Nay.

16. (9:08 PM) (2:08:00 TS) Request for Certificate of Compliance (DEP #143-1036) 94 Island Road, Daniel Russell – Possible Votes

Kendra Santeria of Guerriere & Halnon representing the applicant for work consisting of the replacement of an existing septic system in the same location and has been completed and they have no issues with it. They did submit a letter of substantial compliance to the town, and Mr. Zisk showed the commission the site walk video.

(9:10 PM) (2:10:35 TS) Motion to approve the certificate of compliance made by Mark Mungeam. 2nd by Mike Greco. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

17. (9:11 PM) (2:11:05 TS) There was a request from the commission to ask Jeff to do a peer review. Jeff Walsh from Graves Engineering has submitted a proposal for his scope of work and recommends a budget of \$3500 to cover the scope of service. Which includes culvert replacement, construction monitoring and administration.

(9:15 PM) (2:15:05 TS) Motion not to exceed the \$3500 budget made by Joe Fitzpatrick, 2nd Eric Harris. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(9:15 PM) (2:15:40 TS) Memo from North Village, 32 Compass Point Drive, asking about a 30k gallon underground tank and water quality testing. Mr. Zisk recuses himself from the discussion. Ms. Sharkey request that the commission pass this along to the zoning board because they have the jurisdiction, and the commission has released their order of conditions. Mr. Zisk will have Jen contact them.

(9:16 PM) (2:16:50 TS) Tracy Sharkey left the meeting and Katiegrace Dudley will take over the last agenda item.

18. (9:17 PM) (2:17:05 TS) Discussion, McIntyre Loam – 118 Davis Street

There were some complaints from abutters about activity on the wetlands on the site and some commission members went out to the site to look at the complaints. The commission asked the owner about the activity, the commission is looking into having Art Allen conduct a peer review of the site and the commission may be looking at a filing associated with the activity, but firstly find out if there has been a violation. Jim Tusino explained and showed plans and arial view of the site, and that McIntyre Loam needed a place to go because their new site of their relocation wasn't ready. Mr. Tusino explained that they installed a firm barrier to prevent creep towards where the wetlands resource area is. The use, location, and type of material hasn't changed since 1990. Mr. Mungeam's only concern is that an area that had been previously stabilized and approved was now re-unstabilized, and does not think the area of work has changed from what he saw when he went to the site. The commission only requests that it be loamed and seeded or stabilized as soon as possible that would satisfy the commission and they don't believe a violation has occurred and no filing is necessary.

(9:38 PM) (2:38:30 TS) Motion to vote on the resolution of the discussion from the commission that they do not find a violation and are not requesting a filing for 118 Davis Street but have asked to the stabilization of the slope on the property made by Joe Fitzpatrick, 2nd by Mark Mungeam. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam all in favor.

Upcoming Meetings: March 20, 2023 & April 10, 2023

(9:39 PM) (2:39:20 TS) Motion to adjourn the meeting made by Mike Greco, 2nd Mark Mungeam. Roll call vote – Eric Harris, Joe Fitzpatrick, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Respectfully submitted,

Stephenie Gosselin