

APPROVED 9/9/2024

CONSERVATION COMMISSION MEETING with  
REMOTE ZOOM MEETING OPTION  
MONDAY February 12, 2024  
RESOURCE ROOM  
7:00 PM

Member attendance: Joe Fitzpatrick, Mark Mungeam, Mike Greco, Jim Foran  
Brandon Faneuf- Conservation Agent, Samantha Carew- assistant to Mr. Faneuf.  
Matt Benoit- Director of Community Development (remote)  
Absent: Eric Harris

(0:04 TS) Chair Joe Fitzpatrick opens the meeting.

(0:14 TS) Mark Mungeam motions to move the discussion items to the end of the meeting. Jim 2nd the motion. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.

(0:54 TS) Mr. Benoit gives an update on voting on meeting minutes as some were passed over last meeting.

**Discussion:**

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

- Whitin Reservoir Water Levels
- Open Space Letter to Conservation/Chairman

**1. Meeting Minutes: June 26, 2023, July 17, 2023 & August 21, 2023 – Possible Votes**

**New Business:**

**3. (1:18 TS) 7:00 PM (NOI – DEP #143-10XX) PUBLIC HEARING: Notice of Intent: Anthony & Megan Fierro, 134 Yew St (Accessory Apartment) Map 222 Lot 39.3 – Possible Votes**

Chair Fitzpatrick reads the NOI

(2:57 TS) Margaret Bacon- Allen Engineering presents the proposed accessory apartment.

(4:27 TS) Mr. Faneuf shows pictures from his site visit on 2/7/2024.

(11:20 TS) Mr. Mungeam questions the size of the detached garage.

(12:29 TS) Dennis Drumheller- 118 Yew St asks if there was a previous approved plan, he wants clarification on the buffer zones. He also tries to get clarification if it is detached or attached garage. The wording was not clear to him.

(17:45 TS) Mr. Faneuf would like to see the limit of disturbance clarified on the plan. Other discussion included the size of the driveway. Mr. Mungeam would like to see the driveway materials on the plan as well.

(21:54 TS) Mr. Benoit states that the Planning board is hearing the special permit application on Wednesday.

(23:20 TS) Mr. Mungeam motions to continue to 2/26/2024. Jim 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.

**4. (24:26 TS) 7:00 PM (NOI – DEP #143-10XX) PUBLIC HEARING: Notice of Intent: Tim & Beth Lonergan, 278 Northwest Main St (Single Family Home) Map 159 Lot 8 – Possible Votes**

Chair Fitzpatrick reads the NOI

(25:57 TS) Margaret Bacon- Allen Engineering presents the proposed single-family dwelling.

(29:51 TS) Mr. Faneuf has concerns about all the grading and removal of trees.

(41:07 TS) Mr. Faneuf questions if the house can be moved. The commission discusses slopes & grading.

(47:36 TS) Chair Fitzpatrick asks if they could get a conceptual plan if the client agrees to move the

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house.

(51:42 TS) Mr. Mungeam motions to continue to 2/26/2024. Jim 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.

**Old Business:**

5. **(52:15 TS) 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**  
(52:32 TS) Mark Mungeam recuses himself.  
(53:00 TS) Margaret Bacon- Allen Engineering presents THE REVISIONS. The flood plain is discussed.  
(59:11 TS) Chair Fitzpatrick asks if they could shift the building. Conversation about moving down by the water.  
(1:04 TS) Mark Mungeam 195 SW Main St wants to know if the driveway is on the plan.  
(1:09 TS) Mike Fitzpatrick- Chair of the Zoning Board of Approvals states that the ZBA prefers that Con Com make a decision before ZBA.  
(1:10 TS) Mr. Foran motions to continue to 2/26/2024. Joe 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.  
(1:10 TS) Shirley Mosczynski 60 Oak St. Point of order- Do you have a quorum to vote? They do.
6. **(1:11 TS) 7:00 PM (ANRAD – DEP #143-1090) PUBLIC HEARING CONTINUED: Abbreviated Notice of Resource Delineation: Otwood Investment Group, LLC., 33 & 38 Caswell Court, Map 137 Lots 6 & 8 – Possible Votes**
  - **Ecosystem Cost Estimate for Peer Review**  
**CONTINUE TO FEBRUARY 26, 2024 PER APPLICANT**
7. **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**  
**CONTINUE TO FEBRUARY 26, 2024 PER APPLICANT**
8. **(1:13 TS) 7:00 PM (NOI – DEP #143-10XX) PUBLIC HEARING CONTINUED: Notice of Intent: Christopher Bettencourt, 295 Southeast Main St, Map 266 Lot 13-6 – Possible Votes**  
There is no representative for this hearing, Mr. Foran motions to continue to 2/26/2024. Mark 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.
9. **(1:15 TS) 7:00 PM (NOI – DEP #143-10XX) PUBLIC HEARING CONTINUED: Notice of Intent: Christopher Bettencourt, 299 Southeast Main St, Map 266 Lot 13-7 – Possible Votes**  
There is no representative for this hearing, Mr. Foran motions to continue to 2/26/2024. Mike 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.
10. **(1:16 TS) 7:00 PM (NOI – DEP #143-10XX) PUBLIC HEARING CONTINUED: Notice of Intent: Christopher Bettencourt, 303 Southeast Main St, Map 266 Lot 13-8 – Possible Votes**  
There is no representative for this hearing, Mr. Foran motions to continue to 2/26/2024. Mike 2<sup>nd</sup>. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.
1. **Updates**
  - (1:16 TS) Oak Street Solar Project (DEP #143-0989)  
Representatives for the project are Jason Smith Blue Wave Solar, Pat Mahan civil contractor with J. Bates & Son, Landowner Jesse Mosczynski 45 Oak St &. Greg Morehouse project manager with Millcreek Renewables (remote). Mr. Mosczynski reads a statement. Mr. Smith gives an update and hands a check for fines to Chair. He reads the updates and stated PFAS testing is scheduled for 1/16/2024.

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(1:26 TS) Mr. Faneuf gives an update. States he had a site visit with Blue Wave & Sutton Con Com and that progress is being made. He also stated that the planning board issued a redesign of Basin #1. Access agreements have been issued for 60 Oak St & 41 Oak St. They are waiting on execution.

(1:33 TS) Chair states he expected to see the as-built and TOPO's he asked for last meeting. Conversation continues about infiltration & if the site was perked before construction.

(1:41 TS) Mr. Faneuf shows drone photos from 2/2/24.

(1:49 TS) Lori Hough 41 Oak St states that she has moss growing in her backyard for the first time. In addition, states the pumps are pumping water 6 plus hours a day. She provides research she completed on infiltration basins and the original approved plan.

(1:53 TS) Mr. Faneuf tells the board that at the planning board requested a double ring infiltrometer test.

(1:55 TS) Ms. Hough wants more information on the concrete pads under the panels. Blue Wave replies that concrete is only going under the electrical panels.

(1:57 TS) Bill Rossi 41 Oak St questions if there is an answer to the question imposed at the Board of Selectman's meeting about fines. Mr. Faneuf states "Yes." He also states that he believes Blue Wave is negligent and he would encourage the commission to impose the maximum fines allowed.

(2:03 TS) Phyllis Charpentier president of the Manchaug Pond Foundation- She would like a restoration plan with all impacted addressees included. She would also like to have a peer review and water testing to make sure it is safe to swim.

(2:10 TS) Lisa Mosczynski 60 Oak St. Urges a redesign of basin 5. Mr. Faneuf shows photos from 1/31/24 & 2/7/24. He also states he has a standing date to visit every Wednesday at noon.

(2:17 TS) Shirley Mosczynski 60 Oak St references a letter she was handed on 2/7 at the Sutton Con Com meeting about water testing. She has many issues with the letter.

(2:20 TS) John Deeter 50 Oak St wanted to point out that Blue Wave helped financially when he asked for help with his washed-out driveway.

(2:29 TS) Charla Kroll 78 Torrey RD Sutton (remotely) states that she believes the basins will fail and that she is watching her trees die.

(2:31 TS) Chair Fitzpatrick states that they need to control the water.

(2:33 TS) Brandon mentions Lisa M. request for a redesign of basin 5, Chair Fitzpatrick agrees and would like a peer review completed. Blue Wave replies.

(2:39 TS) Lori Hough 41 Oak St mentions that at Sutton Con Com there was talk about a "cross town working group." Brandon speaks about the conversation had.

(2:42 TS) A motion is discussed; conversations are had about progress being made on site.

(2:47 TS) Shirley M. 60 Oak St. reiterates that we cannot have water going into the lake. People fish there and swim. Blue Waves replies and asks about past PFAS testing and possible closures.

(2:49 TS) Phyllis Charpentier president of the Manchaug Pond Foundation speaks about the public water supply was tested in the past. She directs Blue Wave to the portal that would hold the results.

(2:52 TS) Mike Fitzpatrick Board of Selectman references that a request for records was submitted today (2/12/24) through the administrative office and those results will be provided to Blue Wave soon.

(2:56 TS) Mr. Mungeam motions for a 53G account to be set up for peer review of basin 5.

(2:59 TS) Mr. Mungeam would prefer a peer review before requiring a redesign.

(3:00 TS) Motion to review the existing design. Mr. Foran questions the wick drain.

(3:01 TS) Bill Rossi 41 Oak St asks for the review to require an actual measurement of the infiltration rates.

(3:05 TS) Mark motions for basin 5 to have a peer review. 2nd by Mike. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.

- (3:06 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)  
Representing the project are: Todd Morey with Beals and Associates, Mitch Rausch from Clayco (remote) and Ariel Leclerc (remote) from S.W.C.A. give an update.
- (3:11 TS) Chair asks Brandon if the TOPO's that he asked for last meeting had been submitted. They have not.
- (3:12 TS) Brandon asks Ariel if Clayco has been responsive to the s.w.p.p.p. reports. She states yes, there are some minor outstanding issues. Mr. Faneuf asks about the Uxbridge side of the project and points out that it is important to Douglas because they are the landowner in Uxbridge.
- (3:21 TS) Mr. Mungeam states that he is still concerned about the design. Mr. Morey replies. He speaks about infiltration testing. Mr. Morey replies.

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- (3:34 TS) Lakeshore Drive Enforcement Order  
David Cahill is there to find out if there are any complaints. Mr. Faneuf shows photos from the site visit today (2/12/24). He states that Mr. Goodison is doing a great deal of work and he is pleased with the progress. He also stated Mr. Goodison is receiving the water on his property voluntary. Mr. Mungeam agrees with his comments.  
(3:42 TS) Kevin Deschene 30 Lakeshore Dr also thanks Mr. Goodison for his work.

(3:54 TS) Mr. Moran points out there are 6 active construction sites on the road now. He asks if the commission is going to require stormwater. There is a restoration plan in place and he would like it completed. There is conversation about the owner of the road.

(3:56 TS) Sharon Moran (remote) 56 Lakeshore Dr would like the commission to review all the meetings and what was said. States she will inform the D.E.P. & State rep. She also states that contractors will not do work on their property until the road issues are addressed.

(4:05 TS) David Cahill points out that the H.O.A. owns the road and there are 7 people in the association. Ms. Moran states Mr. Cahill misrepresented the H.O.A.

(4:11 TS) Brian Keegan, Off Southeast Main St - Donation from 2014  
There are no updates from the last meeting.

### **1. (4:12 TS) Mail/Orders to be signed:**

Open Space Letter to Conservation/Chairman- Mr. Benoit points out the letter. Brandon recommends the open space take possession of the tax title property. Jim motions to recommend the property transferred as Open Space. Mark 2nd. Roll Call: Mark Mungeam, Mike Greco, Jim Foran, and Joe Fitzpatrick all in favor.

**(4:17 TS) Meeting Minutes: June 26, 2023, July 17, 2023 & August 21, 2023 – Possible Votes**  
The commission takes home the meeting minutes to read.

- (4:18 TS) Whittin Reservoir Water Levels- read.
- 2. (4:19 TS) Mark Mungeam makes a motion to adjourn Jim 2<sup>nd</sup>. Roll call: Mark Mungeam, Mike Greco, Jim Foran, Joe Fitzpatrick all in favor.

**Upcoming Meetings: February 26, 2024 & March 4, 2024**

Respectfully Submitted,

Jennifer Larson