

CONSERVATION COMMISSION
Monday, June 17, 2024
Resource room

Attendance: Chair Joe Fitzpatrick, Mark Mungeam, Jim Foran, Mike Greco, Matt Benoit community development Director

Absent: Josiah Burch

Joe Fitzpatrick called the meeting to order at 6:30 pm.

Discussion:

1. (0:35 TS) reorganization

Matt Benoit asked for nominations for chairperson. Joe Fitzpatrick nominated Mark Mungeam and seconded by Mike Greco. Roll call vote - Joe Fitzpatrick, Mark Mungeam, Jim Foran, Mike Greco, all in favor. Mark Mungeam asked for nominations for vice chair, Joe Fitzpatrick nominated Jim Foran, second by Mark Mungeam. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

2. (3:05 TS) RFP Draft Bid FY25 – On-Call Conservation Consulting Services – Possible votes

They received one bid from environmental science and Brandon Faneuf as conservation agent. Mr. Benoit and the commission members went over the scoring items.

(7:25 TS) Motion to recommend to the town administrator for the hiring of ecosystem solutions for the on-call conservation consulting services made by Mark Mungeam, seconded by Jim Foran. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

The commission gave a brief reason why they recommend hiring Brandon Faneuf. Mr. Benoit feels that there is still a need to hire an on-site conservation agent. Mr. Benoit spoke to the board about the needs and the salary that it would cost to hire a full-time in-house conservation agent. The Commission agrees that there is a need for it.

(11:50 TS) motion to recommend to the town administrator that they hire a full-time conservation agent for the town of Douglas to serve the Conservation Commission made by Joe Fitzpatrick by Jim Foran. Rollcall vote - Joe Fitzpatrick, Jim Foran, Mike Greco, and Mark Mungeam all in favor.

3. (13:10 TS) Nomination for Master Plan Committee

No member of the conservation commission is interested in volunteering for the master plan committee. Mr. Benoit will put it on the next agenda to see if maybe a new member will be interested.

4. (13:35 TS) Mail/Orders to be signed: Mr. Mungeam signed and passed them around for signatures.

5. (14:00) Meeting Minutes: January 22, 2024 – Possible votes

Motion to move the meeting minutes to the end of the meeting, made by Jim Foran, second by Joe Fitzpatrick. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

6. (14:20 TS) Wallum Lake Terrace Beach, Shore Rd - possible violation – Possible votes

Mr. Benoit received a call from Joe Taylor at DCR and he reported work being done on the beach and asked the town to issue a season to assist with fines. Mr. Benoit went out and met with Dave Bergeron the Beach Terrace association president. Mr. Benoit showed pictures of the area where work had been

APPROVED 9/9/2024

done and although it is a net improvement, it was done before the filing. Mr. Benoit's recommendation is to issue a cease-and-desist enforcement order without fines and request an RDA. Mr. Bergeron came up to explain the work that has been done that includes removing a rotted falling down fence and the removing of poison ivy. He explained that the association didn't know they needed to get authorization from the town or the state to do such work. Mr. Bergeron met with Joe Taylor from the state about what they need to file in order to finish the work.

(22:20 TS) Motion to issue an enforcement order for a cease, desist without fines, and request them to file an RDA (request for determination of applicability) for the next meeting, made by Joe Fitzpatrick, second by Jim Foran. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

7. (24:55 TS) Request for Certificate of Compliance, (DEP # 143-0924), Carol Gogolinski, Gilboa Court Extension - Map 267 Lot 24 – Possible votes

William Conley Whitinsville, MA partners with Carol Gogolinski on the project, went over all the site conditions. Mr. Benoit visited the site, met with Mr. Conley and Ms. Gogolinski, and identified that all the basins and the stormwater infrastructure is built in accordance with the plan.

(28:05 TS) Motion to approve the request for certificate of compliance made by Joe Fitzpatrick second by Mike Greco. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

8. (29:30 TS) Request for Certificate of Compliance, (DEP # 143-1055), Pilch Realty - Walnut St, Lot 2 Map 262, Lot 5 & 6.

Matt Benoit did a review of this, and the septic system is installed in accordance with the plan, the only issue is the grass has not started to grow yet. They discussed issuing a partial certificate of compliance with the condition the grass is established.

(32:35 TS) Motion to issue a partial certificate of compliance for DEP # 143-1055 with the condition that the final certificate of compliance be applied for once the grass is established made by Jim Foran, second by Joe Fitzpatrick. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

9. (34:30 TS) Request for Certificate of Compliance, (DEP # 143-0796), Joel Considine, 20 Northwest Main St. - Map 198 Lot 71. The engineer with Alpha Omega Engineering, and the owner of the property showed the Commission the plans and explained the scope of work, and the changes from the previously approved plan from 2009.

(40:30 TS) Motion to issue a certificate of compliance to Joe Considine 20 N. West Main St. Map 198 Lot 71 made by Joe Fitzpatrick, seconded by Jim Foran. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

New Business:

10. (41:40 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 94 Island Rd, (existing garage extension), Dan and Judy Russell – Possible votes

The Russell's were present for discussion and their engineer joined via zoom, the engineer went over the plans and scope of work.

(47:40 TS) Motion for a negative determination of applicability for 94 Island Rd. existing garage extension for Dan and Judy Russell made by Jim Foran, second by Joe Fitzpatrick. Mr. Benoit would like to add a condition of erosion controls measures at the edge of the driveway. Roll call vote - Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

11. (50:40 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 27 Walnut St, (detached garage) Justin Arruda – Possible votes

APPROVED 9/9/2024

Mr. Benoit visited the site, showed the commission pictures, and stated the proposed garage should not have any effect on the wetlands.

(1:00:50 TS) Motion for a negative determination of applicability with conditions that the roof drains be infiltrated and erosion control barriers be placed around the edge of the driveway and along the front of the building for 27 Walnut St. made by Joe Fitzpatrick, second by Mike Greco vote. Mark Mungeam declared the hearing is closed. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

Old Business:

12. (1:02:30 TS) 6:30 PM (NOI – DEP #143-1100) Public Hearing Continued: Notice of Intent: John Mshooshian, 45 Martin Rd Lot 3 (Single Family), Map 169 Lot 23 – Possible votes

The applicant requested a continuance to July 15 at 6:30 pm.

(1:03:00 TS) Motion to continue the public hearing to July 15 at 6:30 made by Mike Greco, seconded by Jim Foran, seconded by Mike Greco. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

13. (1:03:35 TS) 6:30 PM (NOI – DEP #143-1101) Public Hearing Continued: Notice of Intent: John Mshooshian, 45 Martin Rd Lot 4 (Single Family), Map 169 Lot 23 – Possible votes

The applicant requested a continuance to July 15 at 6:30 pm.

(1:03:55 TS) Motion to continue the public hearing to July 15 at 6:30 made by Jim Foran, seconded by Mike Greco. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

14. (1:04:30 TS) 6:30 PM (NOI – DEP #143-10xx) Public Hearing Continued: Notice of Intent: Christopher Bettencourt, Orange St. Lot #10, (Single Family), Map 266 Lot 13-10 – Possible votes

Tom Schutz with Goddard Consulting on behalf of the applicant had submitted plan changes after the Commissions comments and went over the plan changes. The only part of the plan in the buffer 100-foot buffer zone now is the beginning of the driveway. Mr. Schutz will contact about being issued the DEP file number. Mr. Benoit asked that the existing rock wall be shown on the plan.

(1:11:30 TS) Motion to continue the public hearing to July 15 at 6:30 made by Joe Fitzpatrick, seconded by Jim Foran. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

15. (1:11:50 TS) 6:30 PM (NOI – DEP # 143-10xx) Public Hearing Continued: Notice of Intent: Christopher Bettencourt, Orange St. Lot # 11, (Single Family), Map 266 Lot 13-11 – Possible votes

Tom Schutz with Goddard Consulting on behalf of the applicant made minor plan changes at the request of the Commission and went through the changes to the plans. He will also add the existing rock wall to this plan.

(1:16:35 TS) Motion to continue the public hearing to July 15 at 6:30 made by Jim Foran, seconded by Joe Fitzpatrick. Roll call vote – Joe Fitzpatrick, Jim Foran, Mike Greco, Mark Mungeam all in favor.

Updates:

16. (1:17:15 TS) 4 Birch Street – Enforcement Order – Possible votes

Mr. Benoit stated that they did not receive anything in time for this meeting.

17. (1:18:40 TS) Lakeshore Drive Enforcement Order, 56 Lakeshore Dr, Robert Moran, moving boulders – Possible votes

Brandan Faneuf read the correspondence from OHI Engineering to Robert Moran, stating they will need to the beginning of August to complete the design of the mitigation of the slope. They also discussed the other issue of someone moving stones from the lake and put on the bank to Mr. Moran's property. They went through the options at this point for the disturbance to the lake. Mr. Faneuf showed the Commission pictures of the site where the rocks were placed and the machine while moving the rocks. The Commission discussed what their options are for this violation, whether to do an enforcement order to file an after the fact notice of intent or restore it back to its original. The Commission agreed on issuing an enforcement order requiring a restoration plan by the August 19 meeting. The Commission will notify the DEP under chapter 91 about this violation and the request for a restoration plan for their input.
(1:44:20 TS) Motion to issue and enforcement order for a restoration plan made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor, Joe Fitzpatrick abstained.

(1:45:00 TS) Motion to notify DEP under chapter 91 made by Jim Foran, seconded by Mike Greco. Roll call vote - Jim Foran, Mike Greco, Mark Mungeam all in favor, Joe Fitzpatrick abstained. The Commission also discussed a fine for the violation for unauthorized disturbance of land under water and the second would be unauthorized alteration of inland bank. Janice Cahill 771 NW Main St stated her concern about the removal of the rocks and the disturbance to the bank and issuing a fine for it. The Commission decided on waiting to issue any fines until the 60 days given to provide a restoration plan and at that point, they will be \$400 a day.

18. (1:55:15 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)

Mitchell Rouse with Clayco and discussed fines being suspended due to the Uxbridge Conservation meeting being canceled.

(2:00:10 TS) Joe Fitzpatrick excused himself from the rest of the meeting.

Mr. Faneuf read over what work has been done and all the results and testing of the basins, and he showed pictures of the site. Fred Ferraro with CRG spoke about the infiltration and work that is being done and stated the issue with the Town of Uxbridge, not giving them approval to the work that needs to be done. There was detailed discussion of what work is being done currently and measures being taken that are needed and whether to suspend the current fines per Clayco's request.

(2:24:05 TS) Motion to suspend the fines retroactive for number 21 to June 4, 2024, and remove the violation, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:34:15 TS) Motion to suspend the fines for number 6 from June 4 forward but receive amended plan for the basin to know what Uxbridge has approved, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:35:50 TS) Motion for number 17 to suspend the fines from June 4 forward but to keep this requirement, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:37:20 TS) Motion for special condition number 23 to suspend the fines from June 4 forward and eliminate the violation in its entirety, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:39:00 TS) Motion for number 24 to keep the requirement but suspend the fines from June 4 forward, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

APPROVED 9/9/2024

(2:40:40 TS) Motion for number 26 to keep the requirement but suspend the fines from June 4 forward, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:41:45 TS) Motion for number 32 to keep the requirement on the record but suspend the fines from June 4 forward, made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

(2:44:45 TS) Robert Moran 56 Lakeshore Drive asked to approach the Commission and asked if they have any questions for him on the matter. Mr. Moran updated them on the erosion control barriers in that area.

19. (2:49:40 TS) Meeting Minutes: January 22, 2024

They will hold them to vote at the next meeting.

Upcoming Meetings: July 15, 2024 & August 19, 2024

(2:50:40 TS) Motion to adjourn the meeting made by Jim Foran, seconded by Mike Greco. Roll call vote – Jim Foran, Mike Greco, and Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin