

APPROVED 9/23/2024

CONSERVATION COMMISSION
MONDAY, JUNE 3, 2024
RESOURCE ROOM

Attendance: Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Matt Benoit Community Development Director, Brandon Faneuf Conservation Agent

Absent: Joe Fitzpatrick - excused

Mark Mungeam called the meeting to order at 7 pm.

Discussion:

1. (1:00 TS) Nomination for Master Plan Committee – The Commission's nominee was Katiegrace and she has resigned from the Commission. The members have no nominee at this time.
2. (1:40 TS) Josiah Burch – Full Member – Possible votes
(2:00 TS) Jim Foran nominated Josiah Burch to become a full member of the commission and seconded by Mike Greco. The vote was unanimously approved.
3. (2:40 TS) Change Meeting Time to 6:30 pm – Possible votes
(3:40 TS) Motion to change the start time of the meetings to 6:30 pm going forward made by Jim Foran, 2nd Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Old Business:

4. (4:20 TS) 7:00 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
5. 7:00 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
(4:45 TS) Motion to continue John Mshooshian, 45 Martin Road Lot 3 & Lot 4 public hearings to June 17, 2024, at made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
6. (5:25 TS) 7:00 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
7. 7:00 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
(5:35 TS) Motion to continue the public hearings for Christopher Bettencourt, Orange Street for lots 10 & 11 to June 17, 2024, at 6:30 pm made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Discussion:

8. (6:30 TS) Mail/Orders to be signed:
 - 4 Parker Court – RDA – Signatures

(7:40 TS) Motion to push the meeting minutes to the end of the meeting made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

9. (8:00 TS) Request for Certificate of Compliance, (DEP # 143-0351), Paul Brule, Kerney Rd, Map 284 Lot 153 – Possible votes
The applicants need a certificate of compliance in order to sell their house and Mr. Benoit explained the history of the property to the Commission.

(11:50 TS) Motion to approve the certificate of compliance for an invalid order of conditions to close out DP file number 143-0351 made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

10. (13:50 TS) 4 Birch Street – Enforcement Order – Possible votes

Matt Benoit explained how this enforcement order came about and what has transpired in the past on this property. Warren Taft the property owner explained what he has done in the driveway and what has happened since the work. He installed some stairs in the old driveway area and there were pictures shown to the Commission of the site. Mr. Mungeam and Mr. Faneuf explained to Mr. Taft that any work or repair should have been filed with them because it was work done within the 100-foot buffer. The Commission discussed at length what they would like to see happen.

(25:35 TS) Motion to have a restoration plan that is a site plan done by a surveyor to scale, showing what areas have been worked on, how it will be stabilized along with an RDA for the area between the road and the bank, and if the Commission is satisfied then go ahead with an application to be able to keep it made by Jim Foran, 2nd by Mike Greco.

(32:10 TS) Motion to restore the area within 100 feet of the pond so that it is stable vegetation and on the pond side of the road stabilize all slopes to be followed by a request for determination of applicability (RDA) to permanently keep the gravel made by Jim Foran, 2nd by Mike Greco. Jim Foran has rescinded his first motion, 2nd by Josiah Burch with a roll call vote to rescind the first motion – Jim Foran, Mike Greco, Josiah Burch, and Mark Mungeam all in favor. Roll call vote for the second motion of restoration – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

11. (36:00 TS) 48 Glen Street, (DEP #143-0642), Richard Corcoran – Possible votes
Applicant requested item be removed from the agenda.

New Business:

12. (36:25 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, Lot 2, Yew Street, (Single Family/Septic) Taniel Bedrosian – Possible votes

Mark Mungeam declared the public meeting to be open. Joyce Hastings from GLM Engineering representing the applicant and showed the Commission a plan and what they are proposing on the property. Mr. Benoit visited the property and does not have any issue with the plan.

(40:30 TS) Motion to accept the negative determination made by Mike Greco, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

13. (41:50 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 218 Northwest Main St, (Tree Removal) Mary Pepka – Possible votes

Mary Pepka is requesting to remove 20 trees that are at the end of their life, she had an arborist come and right a report that are posing a risk to people and property and she plans on replacing them. There were pictures of the all the trees shown and they were all marked. The Commission discussed the number of trees and are concerned about the amount and the distance from the water bank.

(57:20 TS) Motion to accept a negative RDA with the condition that Matt Benoit or Branden Faneuf go to the site and mark trees that they feel can be saved and are not a danger along the pond and there be a replacement plan for new trees provided made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

14. (59:30 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 428 Northeast Main St, (Leveling for Pool) Meaghan Bonina – Possible votes

Rene O'Neal, the applicant's mother is present to discuss the pool request. Mr. Benoit did visit the site and would suggest some sort of erosion control measure to put up along the edge of the land.

(1:05:45 TS) Motion for a negative 2 determination with the conditions of placing erosion controls and that the shed be placed no closer to the brook and existing disturbance made by Jim Foran, 2nd by Josiah Burch, Mr. Mungeam calls the public meeting closed. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

15. (1:08:10 TS) 7:00 PM (RDA) Public Meeting: Request for Determination of Applicability, 301 Northwest Main St, (Water Management) Valerie Fulginiti – Possible votes Ms. Fulginiti explained what the issue was of the water flow onto her property and discussed it with the Commission.

(1:19:00 TS) Motion to issue a negative 3 determination with a condition that Ms. Fulginiti meet with the Select Board to review the drainage at the road and to find her point source exempt from the municipal storm drain bylaw made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

16. (1:20:50 TS) 7:00 PM (NOI – DEP #143-1102) Public Hearing: Notice of Intent: Jack Goodison, 55 Lakeshore Dr. (Rebuild existing retaining wall) Map 110 Lot 39 – Possible votes

Brandon Faneuf visited the site and showed pictures to the Commission. Mr. Goodison explained what he had done to the wall for repair.

(1:26:55 TS) Motion to close the public hearing made by Mike Greco, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

(1:27:15 TS) Motion to issue an order of conditions with standard special conditions made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

17. (1:28:50 TS) 7:00 PM (NOI-DEP #143-11xx) Public Hearing: Notice of Intent: Andrew Leonard, 286 Webster St (Commercial Development) Map 205 Lots 2 & 3 – Possible votes

Andrew Leonard went over the plans and they are proposing an outdoor vehicle storage facility. Ed Avizinis with Environmental Services answered questions from the Commission. They discussed the proposed plans and Mr. Faneuf requested to review the Planning Board's storm water reviewer's comments, went through his preliminary questions, showed pictures of the site, and voiced his concerns.

(1:54:45 TS) Motion to continue the public hearing to July 15, 2024, at 6:30 pm made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Old Business:

18. (1:56:30 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 There was a request to withdraw without prejudice.

(1:57:15 TS) Motion to withdraw without prejudice the notice of intent made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

19. (1:57:45 TS) 7:00 PM (NOI-DEP #143-1098) Public Hearing Continued: Notice of Intent: Edward O'Leary, 140 Davis St (7,825 sf Metal Building) Map 192 Lot 1 – Possible votes Brandon Faneuf recused himself. Mark Allen from Allen Engineering brought the Commission up to speed on what has happened since the last meeting and supplied the Commission with the revised plans dated May 20, 2024, which incorporates all the minor modifications made. Mr. Benoit stated that he received an email from Jeff Walsh at Graves Engineering that he is satisfied with the responses to his comments.

(2:08:10 TS) Motion to close the public hearing for 140 Davis Street made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

(2:08:50 TS) Motion to issue the order of conditions with standard special conditions made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

20. (2:10:15 TS) 7:00 PM (NOI-DEP #143-1094) Public Hearing Continued: Notice of Intent: Paul Macharia, 75 Old Farm Rd, Map 237 Lot 25 – Possible votes
Josiah Burch walked the property and stated his concerns about the property including his potential well for drinking water. Mr. Faneuf stated that the concern for the abutters is adding another house to the area because they already have private water supply and groundwater supply concerns. The abutters Scott Shea at 71 Old Farm Road, Rebecca Clause at 81 Old Farm Road and Matt Hadley at 75 Old Farm Road voiced their concerns about adding another house, well, and septic to this area. Mr. Macharia voiced that he cannot respond to the concerns his engineer is not present to answer questions and he stated that he has met all the requirements to build the house.

(2:43:00 TS) Motion to close the public hearing made by Josiah Burch, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

(2:43:35 TS) Motion to deny the application for 75 Old Farm Road for failure to provide credible evidence that the work proposed in the application will not harm the interest provided in article 8 M.G.L. chapter 131 section 40 (The Wetlands Protection Act), the proposed work is likely to have significant cumulative effect upon the public interest of prevention of pollution, private water supply and groundwater supply made by Josiah Burch, 2nd by Jim Foran. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

21. (2:45:35 TS) 7:00 PM (NOI-DEP #143-1099) Public Hearing Continued: Notice of Intent: Judith & Daniel Russell, 90 Island Rd, (New well & septic) Map 159 Lot 62 – Possible votes

Brandon Faneuf recused himself. Karen Keegan with Allen Engineering went over the proposed project.

(2:48:30 TS) Motion to close the public hearing for 90 Island Road made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

(2:49:15 TS) Motion to approve the notice of intent with standard special conditions made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

22. (2:50:15 TS) Meeting Minutes

(2:52:15 TS) Motion to approve the meeting minutes of January 8, 2024, as amended made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

(2:55:45 TS) Motion to adjourn the meeting made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin