

CONSERVATION COMMISSION  
MONDAY, JULY 15, 2024  
RESOURCE ROOM

Attendance: Chair Mark Mungeam, vice chair Jim Foran, Mike Greco, Matt Benoit Community Development Director, Brandon Faneuf Conservation Agent

Absent: Josiah Burch (excused)

Mark Mungeam called the meeting to order at 6:37 pm.

1. (1:00 TS) Application for Potential Commission Member – Possible votes  
Brendan Doyle is the applicant and spoke about his background and interest and the desire to volunteer his time in the town.  
(3:35 TS) Motion to recommend Brendan Doyle to the Select board for appointment to the Commission made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
2. (4:25 TS) Request for Certificate of Compliance, (DEP #143-1088), Jack Courtney, 57 Manchaug St, Map 143 Lot 30 – Possible votes  
Matt Benoit showed pictures of the site that the grass is growing in and stated the certificate of compliance is order.  
(6:25 TS) Motion to approve the certificate of compliance for DEP # 143-1088 for 57 Manchaug Street, Map 143 Lot 30, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
3. (7:45 TS) Request for a Partial Certificate of Compliance, (DEP #143-0642), Richard Corcoran, 48 Glenn Street, Map 197 Lot 1 – Possible votes  
Mr. Corcoran stated that the partial is for paving and the replication area. The replication area has been constructed and completed and the paving is to completed when the construction on the homes is finished. Mr. Benoit showed pictures of the site. Brandon Faneuf recused himself from the discussion. Margaret Bacon explained the project and what had happened back in 2004, and that they are looking for the bridge that had been finished years ago to be signed off on at this time. Mr. Faneuf went over what the options are for the Commission to decide on the request.  
(22:05 TS) Motion to grant the partial certificate of compliance for the bridge for DEP #143-0642 for 48 Glenn Street Map 197 Lot 1 and requesting a new notice of intent for the replication and the paving, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
4. (23:40 TS) Request for a Certificate of Compliance, (DEP #143-1032), Orbison Corp. 128 Vine Street, Map 264 Lot 24.3 – Possible votes  
Dan Heney 44 Shady Lane explained the project of the single-family home lot #4.  
(26:30 TS) Motion to approve the certificate of compliance for DEP #143-1032 for 128 Vine Street, Map 264 Lot 24.3, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

New Business:

5. (27:40 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 25 Joseph Road, (Tree Removal) John Stapleton – Possible votes  
(28:20 TS) Motion to wave the reading of the legal notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

The applicant stated that he had an arborist come and look at the trees on the property and seeking permission to take down the dead trees and limb the ones that are ok to stay and leave the stumps. Mr. Benoit showed the pictures of the property and the trees.

(40:03 TS) Motion for a negative determination of applicability with the condition that only dead wood be removed and pruned and that tree number 2 on the list not be touched and not be any stump removal, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

6. (42:10 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, Shore Rd, (Fence replacement & leveling) Wallum Lake Terrace Beach Association – Possible votes  
(42:45 TS) Motion to waive the reading of the public notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.  
(43:15 TS) Motion to continue the public meeting to August 19 at 6:30, for Shore Road, fence replacement Wallum Lake Terrace Beach Association, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
7. (43:50 TS) 6:30 PM (DEP #143-1080 Amendment) Public Hearing: OOC Amendment: Christopher Bettencourt, 273 Southeast Main St – Lot 1, (Redesign – Single Family), Map 266 Lot 13 – Possible votes

Tom Schutz with Goddard Consulting representing the applicant showed the revised plans and went over what the Commission has approved already for the plans and the changes to the plan that includes moving the house further outside the riverfront area for expanding the septic system; there is no change to the limit of work. Mr. Faneuf suggests approving the amendment.  
(50:40 TS) Motion to close the public hearing, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

(51:00 TS) Motion for DEP #143-1080 to approve the OOC amendment for 273 Southeast Main Street Lot 1 redesign of single-family map 266 Lot 13, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

8. (52:15 TS) 6:30 PM (DEP #143-1081 Amendment) Public Hearing: OOC Amendment: Christopher Bettencourt, 279 Southeast Main St – Lot 2, (Redesign – Single Family), Map 266 Lot 13 – Possible votes  
(52:50 TS) Motion to waive the reading of the public notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

The hearing is now open. Tom Schutz with Goddard Consulting showed the proposed revised plans that the changes of the shape of the existing single-family house approved by the Commission, and the limit of work is staying the same. Mr. Faneuf states this is much the same as lot 1 changes. Mr. Faneuf wanted to put on record that he decided not to push the storm water issues with Lot 1 and 2 because they were already approved at one time.

(1:01:55 TS) Motion to close the public hearing, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

(1:02:25 TS) Motion to approve the amendment for DEP #143-1081 for 279 Southeast Main Street Lot 2, redesign single-family house Map 266 Lot 13, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

9. (1:03:55 TS) 6:30 PM (DEP #143-10xx) Public Hearing: Notice of Intent: Christopher Bettencourt, 299 Southeast Main St – Lot 9, (Single Family), Map 266 Lot 13.9 – Possible votes  
(1:04:25 TS) Motion to waive the reading of the public notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

Tom Schutz with Goddard Consulting went over the plans with the Commission and showed the plans and the applicant is proposing a 4-bedroom dwelling with associated grading, dry well, septic system, asphalt driveway with infiltration trench, etc. Mr. Bettencourt stated that the

shown plan does not seem to have the walk out basement that will allow for less grading. They will have the plan revised and sent prior to the next meeting. Margaret Bacon with Eco Systems spoke about stormwater management along with Kevin DeMers. Mr. Faneuf read an email from Kim Roth with DEP regarding stormwater and her recommendations on this plan. Mr. Faneuf showed photos of the site regarding clearing and buffer zones. This was a previously approved plan by the Board of Health, and they are now before the Conservation Commission because it is now encroaching on the buffer zone. There was discussion back and forth about the placement of the dwelling and the buffer zone. The Commission would ask Mr. Schutz to come back proving to the Commission that the current proposed work will not alter the resource area and present a plan for the next meeting. Pam Schwartz the abutter that asked for the proposed house to be moved further from her home spoke about her request.

(1:41:05 TS) Motion to continue the public hearing for 299 Southeast Main Street Lot 9 single family map 266 Lot 13.9 to August 19 at 6:30 pm, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

10. (1:42:20 TS) 6:30 PM (NOI-DEP #143-11xx) Public Hearing: Notice of Intent: Robert Speroni & Scott Leonard, Davis St (Wood Processing Area), Map 191 Lot 6, 7 & 33 – Possible votes Brandon Faneuf recused himself from the discussion.

(1:43:00 TS) Motion to waive the reading of the public notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

Mark Allen with Allen Engineering representing the applicants, he showed the Commission the plans and went over the plan details. They discussed storm water management and drainage on the site. An abutter on Monroe Street stated her concerns about the project.

(2:02:15 TS) Motion to continue the public hearing to August 19 @ 6:30 pm for Robert Speroni & Scott Leonard Davis Street wood processing area map 191 Lot 6, 7 & 33, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

11. (2:03:05 TS) 6:30 PM (NOI-DEP #143-11xx) Public Hearing: Notice of Intent: Scott & Marta Tessier, 19 Cobblestone Lane (Garage/Driveway), Map 189 Lot 39.4 – Possible votes (2:03:20 TS) Motion to waive the reading of the public notice, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor. Scott Tessier, the applicant explained what they are proposing, Mr. Faneuf showed the site plans and photos of the property for the proposed pool, garage and driveway. They discussed the issue of the stream and are going to get more information on it from DEP.

(2:17:00 TS) Motion to continue the public hearing to August 19 @ 6:30 for 19 Cobblestone Lane Map 189 Lot 39.4, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

#### Old Business:

12. (2:17:45 TS) 6:30 PM (NOI-DEP #143-1105) 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 and Kevin DeMers updated the progress and the response to the DEP comments and waiting for Eco Systems Solutions on the storm water drainage review calculations. Mr. Faneuf suggested that Margaret and Kevin get together to discuss and go over the DEP comments on the stormwater report. Mr. Bettencourt asked if they can at least in the meantime progress the lot with getting the wells in and water tested, as he has been compliant with everything the town has asked. They discussed at length allowing the project to proceed through the adjacent lot access point. The Commission is not opposed Mr. Bettencourt installing the well with access from the adjacent property and will produce a draft order for the next meeting.

(2:43:05 TS) Motion to continue the public hearing to August 19 at 6:30 pm for DEP #143-1105 Orange Street Lot 10, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

13. (2:45:25 TS) 6:30 PM (NOI-DEP #143-1104) Public Hearing Continued: Notice of Intent: Christopher Bettencourt, Orange St Lot #11, (Single Family), Map 266 Lot 13-11 – Possible votes The public hearing is open. This is the same circumstance as lot 10, and the Commission has the same comments.

(2:47:30 TS) Motion to continue the public hearing to August 19 at 6:30 pm for Orange Street Lot 11, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

14. (2:48:40 TS) 6:30 PM (NOI-DEP #143-1103) Public Hearing Continued: Notice of Intent: Andrew Leonard, 286 Webster St (Commercial Development) Map 205 Lots 2 &3 – Possible votes Ed Avizinis with Avizinis Environmental Services talked about what changes were made to the plan and showed the revised plan. Margaret Bacon stated her concerns and questions, and Mr. Avizinis will get back to the Commission with the concerns brought up tonight. The Commission had a lengthy discussion about the concerns of the B series wetlands and digging more test pits and other options. The commission would like to know the ledge and the water table in that area and consider the suggested three years of monitoring and replication and additional test pits.

(3:15:10 TS) Motion to continue the public hearing to August 19 at 6:30 pm for DEP #143-1103 286 Webster Street, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

15. (3:16:00 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 Brandon Faneuf recused himself from discussion. Nicole Hayes with Goddard Consulting and went over the previously requested information for the project from peer review and feels they have met all the comments from peer review. Karen Keegan with Allen Engineering talked about requested updates she made to the plans and showed the plans to the Commission. The Commission stated their concerns about the plan and their issues with the work in the 50-foot buffer. There was a suggestion of putting a split rail fence up that they will need to ask the property owner about. The two conditions the Commission decided on was the split rail fence along the limit of work on the southwestern side towards the pond and a two-foot-wide infiltration trench along the proposed driveway on the northeastern side

(3:45:20 TS) Motion to close the public hearing made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

(3:46:25 TS) Motion to approve the NOI with the special conditions for lot 3 of a split rail fence along the limit of work and a two-foot infiltration trench along the driveway with standard conditions, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

16. (3:48:15 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 Karen Keegan with Allen Engineering went over the changes to the plan, reduced the size of the footprint significantly, and addressed all the peer review comments. The Commission would like to see the same things as lot 3.

(3:51:55 TS) Motion to close the public hearing made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

(3:52:20 TS) Motion to approve the NOI with the special conditions for lot 4 with a split rail fence at the 30-foot marker and a two-foot infiltration trench along the driveway and standard

conditions, made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

Updates:

17. (3:54:55 TS) Birch St Enforcement Order – The town received a letter from the developer that he has hired and engineer to help him, and updated what he has done to the site in the meantime.
18. (3:56:50 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042) – They did their infiltration test and they found a stump dump buried 60 feet down, so they have to clean that out and put sand.
19. (4:00:00 TS) Open Session for Topics not reasonably anticipated 48 hours in advance of the meeting.

The Commission received a forest cutting plan for Orange Street for Paul Chase. These are mandated by the state and the town does not have much say. Brandon Faneuf and the Commission discussed the procedures of the tree-cutting plan and their concerns on this. Mr. Faneuf feels that DCR is in non-compliance with the procedure because the Commission was not notified at the same time and now their 10-day window for comment is expired. He would like to get in touch with the service forester and see what can be done about that. Mr. Benoit stated that the town is putting together a letter to notify the abutters and the limits of the town's jurisdiction.

Upcoming Meetings: August 19, 2024 & September 9, 2024

(4:9:25 TS) Motion to adjourn the meeting made by Jim Foran, 2<sup>nd</sup> by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin