

APPROVED 11/4/2024

CONSERVATION COMMISSION
MONDAY, AUGUST 19, 2024
RESOURCE ROOM

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

Mark Mungeam called the meeting to order at 6:32 pm.

1. (0:55 TS) Mail/Orders to be signed:
(1:20 TS) Motion to postpone mail/orders to be signed to the end of the meeting made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch all in favor.
2. (1:45 TS) Potential Conservation Commission Member – Possible votes
Kate Thompson introduced herself and her interest in joining the commission and volunteering her time to the town.
(3:15 TS) Motion to recommend Kate Thompson to the BOS to be a member of the Conservation Commission made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
3. (3:45 TS) Open Meeting Law/Code of Conduct – Signatures
Matt Benoit stated that there is a packet the members need to sign on a regular basis and he will collect them at the end of the meeting.
4. (6:30 TS) Hayward Landing Dam Removal Projects – The Commission received a letter about the potential removing of the dam and they are going to put this off until the next meeting.
5. (6:50 TS) Meeting Minutes: January 22, 2024, February 12, 2024, February 26, 2024 & June 17, 2024 – Possible votes
(8:20 TS) Motion to approve January 22, 2024, meeting minutes as amended, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
6. (10:00 TS) Brandon Faneuf – Ethics Discussion
Brandon Faneuf explained the reason for him recusing himself from agenda items that involved Allen Engineering due to Margaret Bacon now working for Brandon Faneuf after leaving Allen Engineering. He asked the ethics commission if he and other employers had to recuse themselves and they responded that they have to fill out some forms to do the reviews for Allen Engineering projects. He also went into detail about what he needs to do and what the Commission would need to do in order to have other employees in his company Ecosystem Solutions to be able to review for the Douglas Conservation Commission.
(19:00 TS) Motion for the ethics discussion that Margaret Bacon and Samantha Karu be allowed to act on the Town of Douglas on wetlands review work, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
Brandon Faneuf went over the fee schedule for the 53G, Matt Benoit discussed the fee/rate schedule with the Town Administrator, and they are in agreement with the peer review fee schedule and 2024 rate schedule.
(23:45 TS) Motion to accept the peer review fee schedule and the 2024 rate schedule as presented by Ecosystems Solutions, made by Jim Foran, 2nd by Brandon Doyle. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
7. (24:20 TS) Open Space Committee Discussion regarding signage & trail maintenance for the Mosczyński Conservation Land – 77 Mumford St – Possible votes

Sue Perkins, chair of the Open Space Committee, and Becky Kalagher a committee member joined the table to discuss and explain what they are doing and what they are looking to add for signs. Matt Benoit will look into if the Conservation Commission has funds to be able to help make signs and help with maintenance for these types of projects.

8. (33:30 TS) Open Space Committee General Discussion for the Community Preservation Act – Possible votes

Sue Perkins updated the Commission that they have gotten enough signatures for the petition for the Community Preservation Act (CPA) to be put on the ballot for the November election. Ms. Perkins went over what would be needed if this did pass and what it means for the town.

9. (40:50 TS) Notice of Violation Cease & Desist – 31 Glen St – Lauren Maccagnano

Brandon Faneuf stated that a complaint came in that trees were felled within 100 feet of a water body and wetlands, and he visited the site with Mike Fitzpatrick and issued a cease and desist order on July 19th. Mr. Faneuf showed the Commission pictures of the site. The property owner Lauren Maccagnano and her father Richard Maccagnano joined the table to discuss and answer any questions about the trees that were taken down. The Commission agreed for the applicant to file a request for determination of applicability (RDA).

10. (56:50 TS) Request for Certificate of Compliance, (DEP #143-1021), Maria Asacker, 6 Ledgestone Rd, Map 109 Lot 16.2 – Possible votes

The engineer from Alpha Omega Engineering representing the applicant and went over the project completion and Matt Benoit showed pictures of the project and stated he has no issues with the project or issuing the certificate of compliance.

(1:01:45 TS) Motion to approve the certificate of compliance for 6 Ledgestone Road, Map 109 Lot 16.2, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

11. (1:02:35 TS) Request for Certificate of Compliance, (DEP #143-1068), Taniel Bedrosian, 61 Yew Street, Map 197 Lot 9 – Possible votes

The Commission issued a partial on this not long ago and asked that they finish the driveway and landscaping, and Matt Benoit showed pictures of the site and finished work. Mark Mungeam would like to postpone the decision for the next meeting in order to ask the applicant some questions.

12. (1:07:00 TS) Request for Certificate of Compliance, (DEP #143-1054), Roger Gagnon, 48 Walnut Street – Lot 1, Map 262 Lot 3.2, 5 – Possible votes

Brendan Doyle recused himself from the discussion because he is an abutter. Matt Benoit stated that this only needed grass grown on the septic system and he showed the pictures of it the grass.

(1:08:35 TS) Motion for a certificate of compliance for 48 Walnut Street Lot 1, Map 262 Lot 3.2, 5 made by Jim Foran, 2nd Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

New Business:

13. (1:09:30 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 52 Walnut Street (Tree Removal/Fence Placement) Brendan Doyle – Possible votes

Brendan Doyle recused himself from the discussion.

(1:09:50 TS) Motion to wave the public notice reading, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Deena Doyle joined the table to answer questions; Matt Benoit explained what has been done on the site already and the proposed work. Mark Mungeam called the public meeting closed.

(1:19:00 TS) Motion for a negative RDA for 52 Walnut Street tree removal/fence placement, with a negative 3 determination with the condition that they remove the trees and logs placed in the

buffer zone, made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

14. (1:20:10 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 5 Laurel Glades, (Tree Removal/Deck & Stair Replacement) David Baccus – Possible votes
Mark Mungeam called the public meeting opened and the applicants, Mr. & Mrs. Baccus joined the table to explain what they are proposing to do with the trees and the deck and Matt Benoit showed site pictures. Mark Mungeam requested to have more details and descriptions on the plan to show all scopes of the work being done and already been done.

(1:34:55 TS) Motion to continue the public meeting to September 23 for 5 Laurel Glades, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

15. (1:36:10 TS) 6:30 PM (NOI – DEP #143-1110) Public Hearing: Notice of Intent: Paul Meda, 120 Walnut Street, (Detached Garage), Map 274 Lot 7 – Possible votes

(1:36:35 TS) Motion to waive the reading of the public hearing notice made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor. Mark Mungeam called the meeting open.

Many Hicks from Guarantee Builders representing Paul Meda and she went over the proposed plans. Brandon Faneuf Conservation Agent showed pictures of the site and stated he feels it is an approvable project. The Commission stated what they would like to see on the plans for the project. Mark Mungeam declared the public hearing closed.

(1:45:35 TS) Motion for 120 Walnut Street detached garage Map 274 Lot 7 with the conditions for the loamed and top seeded for the existing carport once removed and showing the driveway going to the new proposed garage and with standard special conditions, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

16. (1:47:40 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 15 Cobblestone Lane (Tree Removal) Valery Ochollah – Possible votes

(1:48:05 TS) Motion to waive the public meeting notice reading, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor. Mark Mungeam declared the public meeting open.

Matt Benoit stated that a solar company is requesting to remove trees to install rooftop solar on this property. There was discussion about where the trees are located concerning the wetlands, and Brandon Faneuf showed pictures of the site and trees.

(1:54:25 TS) Motion to continue the public meeting for September 9, made by Josiah Burch, 2nd by Jim Foran. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Old Business:

17. (1:55:40 TS) Motion to move 19 Cobblestone Lane Map 189 Lot 39.4 next on the agenda, made by Jim Foran, 2nd by Brandan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

6:30 PM (NOI – DEP #143-1107) Public Hearing Continued: Notice of Intent: Scott & Marta Tessier, 19 Cobblestone Lane (Garage/Driveway), Map 189 Lot 39.4 – Possible votes

Glenn Krevosky with EBT Environmental Consulting, Inc. representing the Tessiers went over the project and changes and the questions around the perennial stream and showed the plans. Mark Mungeam declared the public hearing closed.

(2:09:00 TS) Motion to approve with standard conditions 19 Cobblestone Lane garage/driveway map 189 lot 39.4 with an intermittent stream made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

18. (2:10:35 TS) 6:30 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, Shore Rd, (Fence replacement & leveling) Wallum Lake Terrance Beach Association – Possible votes
Dave Bergeron, President of the Wallum Lake Beach Association and Joe Taylor the Lead Supervisor of the Douglas State Forest joined the table and explained what was done and the reason for the cease and desist and what is proposed going forward with the project. The Commission is requesting they shorten the length of the fence to 20 feet. Mark Mungeam declared the public meeting closed.
(2:24:20 TS) Motion for a negative RDA with the condition that the fence be 12 feet along Shore Road and 20 feet towards the lake and the stone does not have to be replaced, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brendan Doyle, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
19. (2:25:25 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
Kevin Demers with DiPrete Engineering summarized what has been done to get the job finalized. Brandan Faneuf stated that all the issues have been addressed and recommended having a special condition that the infiltration trench be rerouted as discussed and that Mr. Demers submit a revised plan showing that within 21 days. Mark Mungeam declared the public hearing closed.
(2:35:55 TS) Motion to grant the order of conditions for Christopher Bettencourt Orange Street Lot 10 single family map 266 lot 13-10 dep#143-1105 with a special condition for infiltration trench be rerouted and the cut off 10 feet before it comes to the road and submit revised plans within 21 days and submit revised plans showing such change made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
20. (2:38:21 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
Kevin Demers with DiPrete Engineering summarized and stated there were no changes made to the plan. All the setbacks were met, and they are ok with the special condition that the infiltration trench ending a minimum of 10 feet from the right of way like the other lot. Mark Mungeam declared the public hearing closed.
(2:42:35 TS) Motion to grant the order of conditions for Christopher Bettencourt Orange Street Lot 11 Map 266 lot 13-11 dep #143-1104 with the special condition for infiltration trench be rerouted and the cut off 10 feet before it comes to the road and within 21 days for the revised plan, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
21. (2:43:35 TS) Motion to move up 299 Southeast Main Street Lot 9 single-family map 266 lot 13.9 on the agenda, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.
6:30 PM (DEP #143-1108) Public Hearing Continued: Notice of Intent: Christopher Bettencourt, 299 Southeast Main St – Lot 9, (Single Family), Map 266 Lot 13.9 – Possible votes
Kevin Demers went over all the changes made to the plans regarding stormwater and showed the revised plans. The Commission discussed additional changes and revisions they would like to see done. Mark Mungeam declared the public hearing closed.
(2:51:30 TS) Motion to grant the order of conditions for Christopher Bettencourt 299 Southeast Main St lot 9 single family map 266 lot 13.9 dep #143-1108 with special conditions buffer zone and sign every 5th with split rail fence to be maintained and replaced as needed and DPW backing up the safety reason for the end of the driveway for pruning and removing what is

necessary with standard special conditions, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor.

22. (2:53:00 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
Andrew Leonard stated that they are in good shape, and they received Planning Board approval last Wednesday conditional on Conservation approval. They found ledge in the test holes they dug requested by the board. Ed Avizinis with Avizinis Environmental and Brandon Faneuf talked about soil testing. Mr. Faneuf's recommendation is to approve the notice of intent and in the order of conditions; a special condition that the status of the isolated wetland behind the cut be monitored to the Commission's satisfaction and if it is not functioning as a wetland then some form of mitigation will have to be performed.

(3:05:20 TS) Mark Mungeam declared the public hearing closed.

(3:05:30 TS) Motion to approve the order of conditions with standard special conditions with additional conditions within the letter from the peer review consultant dated 8/19 to be applied and the monitoring to be at a time between March 20th to May 20th and the blasting material will be environmentally friendly made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

23. (3:07:05 TS) 6:30 PM (NOI – DEP #143-1109) Public Hearing Continued: Notice of Intent: Robert Speroni & Scott Leonard, Davis St (Wood Processing Area), Map 191 Lot 6, 7 & 33 – Possible votes

Mark Allen from Allen Engineering, on behalf of the applicants, stated that they issued a revised set of plans based on the two reviews and Mr. Allen went through the changes and comments and showed the plans. Patty Burns with Davey Resource Group went over some of her comments and concerns. Mark Mungeam declared the public hearing closed.

(3:22:55 TS) Motion for the wood processing are on Davis Street map 191, lot 6, 7 & 33 dep #143-1109 with standard conditions, a pitched driveway towards basin and seven pine trees to be planted and any information from the peer review to be added to the plans and a full set of plans be provided to the Commissions office made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Updates:

24. (3:24:10 TS) 11 & 17 Potter Road – Restoration Report – DEP #143-1085

Brandon Faneuf updated the Commission on enforcement order and corrections made and stated the restoration plan is going very well. Jessica and Justin Bangston joined the table to answer questions. There was a discussion about weed whacking and turtles.

25. (3:36:20 TS) Birch St Enforcement Order

Matt Benoit stated that he does not have an update and has reached out to the property owner several times already. Mr. Benoit suggests that the Commission give him one more opportunity to come to the September 9th meeting with his plan and if he does not respond then they start issuing fines.

26. (3:39:25 TS) Lakeshore Drive Enforcement Order

Robert Moran 56 Lakeshore Drive and Scott Rolph with OHI Engineering joined the table to present a restoration plan and showed pictures of the site. They discussed the removal of the stones from the lake and making the least disturbance as possible, and the process, which the property owner needs to take for restoration. There was lengthy discussion about whether to have the rocks removed from the lake or to leave them. Janice Cahill 771 Northwest Main Street spoke about her concerns about the washout and the rocks in the water. Brandon Faneuf suggests giving DEP one more chance to respond and if they do not then the Commission should take action how they deem necessary to protect the resource. Jack Goodison 55 Lakeshore

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Drive spoke about his request to be removed from the first enforcement order and asked the members to take a vote tonight on it. There was discussion about the runoff damage and drainage issues and who is responsible. The Commission is going to take another site walk individually or two at a time.

(4:27:10 TS) Motion to adjourn the meeting made by Josiah Burch, 2nd by Mike Greco. The passed.

Respectfully submitted,

Stephenie Gosselin