

CONSERVATION COMMISSION
MONDAY, MAY 13, 2024
RESOURCE ROOM

Attendance: Chair Joe Fitzpatrick, vice chair Mark Mungeam, Jim Foran, Josiah Burch, Brandon Faneuf Conservation Agent

Absent: Mike Greco

Joe Fitzpatrick called the meeting to order at 7 pm.

1. (0:50 TS) Mail/Orders to be signed:
 - OOC – 45 Martin Rd Lot 1 – Signatures
2. Meeting Minutes: December 18, 2023 – Possible votes
(1:00 TS) Motion to move the Mail/Orders and meeting minutes to the end of the meeting, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
3. (1:15 TS) Notice of Intent – 34 Hemlock St – Possible votes
The Selectboard is asking if there is interest from the Committee in this property and what grounds support that interest. Brandon Faneuf showed pictures of the property (approximately 54 acres). This chapter 61 property went into foreclosure.
(11:50 TS) Motion to keep 34 Hemlock Street for conservation purposes, made by Josiah Burch, 2nd by Mark Mungeam. Mark Mungeam and Jim Foran opposed, and Josiah Burch and Joe Fitzpatrick in favor. The motion does not pass in the case of a tie vote.
4. (12:50 TS) 60 Walnut – Possible votes
The applicant is requesting to be allowed to remove trees for safety reasons that are inside the 25 foot no disturb zone and remove a pile of logs and ask that the Commission consider these minor changes to their approved order of conditions.
(15:50 TS) Motion to approve a tree removal next to the well and a log pile that was formerly placed within the 100-foot buffer can be done as a minor modification to the order of conditions issued for 60 Walnut Street, made by Mark Mungeam, 2nd Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

Old Business:

5. (16:45 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
The applicant requested a continuance for June 3, 2024.
(18:40 TS) Motion to accept the continuance for Paul Macharia, 75 Old Farm Road Map 237 Lot 25 to June 3, 2024, at 7 pm, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
6. (20:35 TS) Open Session for Topics not reasonably anticipated 48 hours in advance of the meeting.
Brandon Faneuf and Matt Benoit issued an enforcement order for Warren Taft at 4 Birch Street for work done within 100 feet of Whitin Reservoir, and he showed pictures of the site and disturbance. This was old issue with an install of a driveway that the homeowner was made to remove it and now it was installed again years later. Matt Benoit recommends the Commission request them to file a notice of intent for the driveway.
(30:05 TS) Motion to ratify the enforcement order and issue a cease and desist and request that the land owner come before the Commission on June 3, 2024, and have a restoration plan available for the June 17th meeting and in the mean time sediment and

erosion controls should be installed along the bank of the Whitins Reservoir and along the street for Birch Street, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

New Business:

7. (32:30 TS) 7:00 PM (NOI – DEP #143-1099) Public Hearing: Notice of Intent: Judith & Daniel Russell, 90 Island Rd, (New well & septic) Map 159 Lot 62 – Possible votes Karen Keegan from Allen Engineering representing the applicant showed pictures of the site and described the proposed plans for the septic and well. There is a work program from Brandon Faneuf on this, which has not been paid for yet so they have to continue the hearing. This is a 53G work program for Mr. Faneuf to do a compliance review under the Wetland Protection Act and Douglas article 8.
(38:40 TS) Motion to continue the public hearing for Daniel Russell 90 Island Road to June 3rd meeting, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
8. (41:25 TS) 7:00 PM (NOI – DEP #143-1100) Public Hearing: Notice of Intent: John Mshooshian, 45 Martin Rd Lot 3 (Single Family), Map 169 Lot 23 – Possible votes Nicole Hayes with Goddard Consulting went over DEP's comments and the proposed work. There was discussion about the pond versus river decision and the placement of the driveway and Karen Keegan with Allen Engineering stated that they could move it if the Commission would like it moved. The Commission would like to take a site walk, they voiced their concerns about the extent of the limit of work and if it could be lessened and increase the setback from the pond.
(1:10:40 TS) Motion to continue the public hearing to June 3rd for John Mshooshian 45 Martin Road lot 3 map 169 lot 23, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
9. (1:11:35 TS) 7:00 PM (NOI – DEP #143-1101) Public Hearing: Notice of Intent: John Mshooshian, 45 Martin Rd, Lot 4 (Single Family), Map 169 Lot 23 – Possible votes Joe Fitzpatrick declared the public hearing open for 45 Martin Road Lot 4. Nicole Hayes discussed the proposed work and showed plans for the site. The Commission and Brandon Faneuf have the same comments for lot 4 as lot 3. The Commission set up a site walk for 8:30 am this coming Saturday.
(1:20:05 TS) Motion to continue the public hearing to June 3rd for John Mshooshian 45 Martin Road lot 4, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
10. (1:20:55 TS) (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: Christopher Bettencourt, Orange St, Lot 10, (Single Family), Map 266 Lot 13-10 – Possible votes Joe Fitzpatrick declared the public meeting open. Tom Schutz with Goddard Consulting on behalf of the applicant and showed plans of the site showing the wetlands and proposed work. Mr. Schutz explained why he believes the driveway as proposed will not result in an alteration to the resource area as Brandon Faneuf requested. Mr. Schutz will also find out for the next meeting about the water runoff being directed towards the trench and not straight down the driveway. Mr. Schutz will have requested items added to the plan for the next meeting.
(1:40:55 TS) Motion to continue the public hearing to June 3rd for Christopher Bettencourt Orange Street Lot 10, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.
11. (1:41:55 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing: Notice of Intent: Christopher Bettencourt, Orange St Lot 11, (Single Family) Map 266 Lot 13-11 – Possible votes Joe Fitzpatrick declared the public hearing open. Tom Schutz with Goddard Consulting on behalf of applicant presented the plans of the site showing the wetlands and the

proposed scope of work. The Commission and Brandon Faneuf have the same comments as lot 10, and Matt Benoit wanted to make a reminder from the last meeting that the applicant for the continuation of the stone walls to be added to the plan and if possible, continue it from lot 10 to lot 11. Mr. Schutz will have the commission's questions answered for the next meeting.

(1:48:15 TS) Motion to continue the public hearing to Juene 3rd for Christopher Bettencourt Orange Street Lot 11, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

Updates:

12. (1:49:40 TS) Orange Street Enforcement Order for Lot 12 – Brandon Faneuf received a notification that the restoration work was completed, and he did a site walk and showed the pictures he took of the site. Tom Schutz explained what was done for the restoration on the site and showed pictures. There was discussion about the amount of seed mix put on the site and Brandon recommended not lifting the enforcement order until everything is confirmed to be growing but to suspend the fines retroactively to May 1st when the work was done.

(2:01:00 TS) Motion to suspend fines retroactive to May 1st and continue the enforcement made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

Old Business:

13. (2:02:55 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 from the discussion. Mark Allen with Allen Engineering representing Ed O'Leary and gave a recap of the updates from the last meeting. Patty Burns with Davey Resource Group discussed her peer review of the site and stated that the revised plans were a big improvement on impacts to the wetlands and the resource areas. Ms. Burns went over her recommendations for the site.

(2:23:50 TS) Motion to continue the public hearing to June 3rd for Ed O'Leary 140 Davis Street, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

14. (2:24:30 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

Brandon Faneuf recused himself from this discussion.

(2:26:20 TS) Motion to continue the public hearing to June 3rd for Deer Crossing Development, LLC Woodland Road made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

Updates:

15. (2:27:05 TS) Oak Street Solar Project (DEP #143-0989) – Brandon Faneuf gave an update on the site and stated that he can confirm that the site is stable. Matt Benoit went over the modifications to the basins.

(2:31:00 TS) Motion to accept the plan changes to basin 5 as minor amendments to the order of conditions, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Joe Fitzpatrick all in favor, Josiah Burch abstained.

Jeff Murphy with Beals & Associates went over changes to the plans regarding the pipes and basins. There was discussion back and forth about the basins and what has been completed and what is left to be done.

(2:45:05 TS) Motion to declare the amendments to basin one as minor modifications to the approved plans, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor, Josiah Burch abstained.

Phase 4 is the construction of the remaining basins and phase 5 is the construction of the solar array. BlueWave Solar is looking to get the approval to move on to phase 4 at this point.

(2:53:10 TS) Motion to permit the 45 Oak Street solar project to move forward to phase 4 provided peer review consultant from Haley Ward verifies that ongoing construction modifications on basin one are installed according to the revised plans which are including but not limited to returning basin one to finish grade, loaming and seeding basin one slopes and continued maintenance of the construction entrance to prevent silt from exiting the site, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Joe Fitzpatrick all in favor, Josiah Burch abstained.

Jason Smith with BlueWave Solar is requesting to put all of the overhead poles in and the cables down to be able to kick off the work the utility has to do.

(2:56:10 TS) Motion to allow BlueWave to install the poles to the top of the pad, made by Jim Foran, 2nd by Mark Mungeam. Roll call vote – Mark Mungeam, Jim Foran, Joe Fitzpatrick all in favor, Josiah Burch abstained.

(2:57:35 TS) Mail/orders for 45 Martin Rd Lot 1 were passed around to be signed.

(2:59:00 TS) Matt Benoit stated that they received a request from Katiegrace Dudley for her resignation from the Conservaton Commission, and the members thank her for her time on the Commission.

(2:59:45 TS) Meeting Minutes: December 18, 2023

(3:01:00 TS) Motino to approve the meeting minutes of December 18, 2023, as amended made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

(3:01:25 TS) Motion to adjourn the meeting made by Josiah Burch, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Josiah Burch, Joe Fitzpatrick all in favor.

Respectfully submitted,

Stephenie Gosselin