

CONSERVATION COMMISSION
MONDAY, APRIL 22, 2024
RESOURCE ROOM

Attendance: Chair Joe Fitzpatrick, vice chair Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Brandon Faneuf Conservation Agent, Matthew Benoit, Town Staff (Remote)

Absent: Katiegrace Dudley

Joe Fitzpatrick called the meeting to order at 7 pm.

1. (1:15 TS) RFP Draft Bid FY25 – On-Call Conservation Consulting Services – Possible votes
Brandon Faneuf recused himself from the discussion. Matt Benoit Community Development Director explained that when Steve Zisk left Brandon Faneuf was brought on temporarily under a private contract and now it needs to go out to bid.
(4:55 TS) Motion to approve the RFP for the on-call conservation consulting service made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.
2. (5:25 TS) Allen Engineering – Possible Conflict of Interest – Discussion
Mark Allen with Allen Engineering stated they issued two letters on April 8th and April 12th to make the commission aware of the conflict of interest for Ecosystems Solutions for a number of projects that are listed in the letters. Brandon Faneuf stated that he understands Mr. Allen's concerns and will recuse himself when needed. Margaret Bacon was an employee of Allen Engineering and now is working Ecosystems Solutions and that is where the conflict of interest comes from, and Brandon Faneuf explained how her employment would proceed.
3. (16:10 TS) Additional Meeting date of May 20, 2024 – Possible votes
Brandon Faneuf stated that this meeting would only be to discuss enforcement orders.
(18:00 TS) Motion to schedule an additional conservation committee meeting for Monday May 20 2024, at 7 pm, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.
4. (19:00 TS) Mail/Signatures:
 - Gift Acceptance: Transfer of Land Map 135 Lot 12 – Signatures
Matt Benoit explained that the incorrect signature page was signed, and the members need to resign.
 - (20:15 TS) Orange Street Enforcement Order – Signatures
Brandon Faneuf stated that this is up for ratification, and he passed copies out to the members and went over the order. The members discussed what they would like to see added to the order and language changes.
(29:25 TS) Motion to ratify the enforcement order as corrected with \$200 a day fines retroactive to April 1st until restoration work is complete and the owner must notify the conservation commission for an inspection and once the agent is satisfied it will be taken up at the next meeting made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor. Tom Schutz with Goddard Consulting asked about starting the restoration as soon as possible, the only issue Brandon has with this is they are showing a proposed gravel driveway. Tom Schutz showed plans and pictures of the site to the members, and they can call the gravel driveway a preexisting fire road and they can put the boulders back to where they were and the gravel to be removed. The commission and Brandon Faneuf are ok with them starting the restoration plan with mentioned changes.

Christopher Bettencourt received clarification on only having to remove the recent gravel. A resident of Orange stated her concerns about the vernal pool, and it is flooding the street. The commission and Brandon Faneuf discussed the venal pool at length and would like to see if the restoration plan will take care of the issue and the members agree with.

(50:40 TS) Motion to move the meeting minutes to the end of the meeting made by Jim Foran, 2nd by Mark Mungeam. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

Brandon Faneuf stated for the record that Samantha handed Mr. Bettencourt the tickets to date.

5. (51:20 TS) DEP # 143-1058, 38 Hemlock Street – James Silva – Discussion
6. Jim Silva is requesting permission to drill the well to determine that the lot is buildable before installing a driveway, and he gave a little background on the property. The commission members agree to allow the drilling of the well before the installation of the driveway.
7. (57:20 TS) 131 Main St, Adult Social Center - Discussion
Dick Skinner on behalf of the Sunshine Club and Adult Social Center and gave a summary of their situation. Mr. Skinner went over the options for the placement of the pavilion and their number one choice is next to the basketball court in the municipal center parking lot. The concrete slab for the pavilion will be about 21 feet by 41 feet. Dick Skinner will submit an application to the Conservation Commission for the location at 29 Depot Street.
8. (1:09:00 TS) Notice of Intent, 34 Hemlock St – Possible votes
Matt Benoit stated that this is an intent to sell but the town has the opportunity to exercise its first right of refusal and the Select board is looking for boards and committees' opinion. There was discussion about the price of the land, Matt Benoit clarified that the BOS is looking for an opinion of whether the town should look into purchasing the property. Lisa Mosczynski does not feel this is the property way to handle this and is requesting that the commission take this up at the next meeting after they get more information.
9. (1:17:30 TS) Stormwater Bylaws – Possible votes
Matt Benoit stated for the Commissions information the Finance Committee and Planning Board both voted unanimously to oppose the adoption of this bylaw. Brandon Faneuf and Matt Benoit explained the bylaw briefly and the Commission members discussed the matter of adopting the bylaw and the commission being in charge of it.
(1:26:20 TS) Motion to support the adoption of the stormwater management bylaw as presented, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

Old Business:

10. (1:27:20 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
(1:28:20 TS) Motion to accept the continuance of the public hearing for Paul M for 75 Old Farm Road to May 13th, made by Mark Mungeam, 2nd Mike Greco. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.
11. (1:29:05 TS) (ANRAD - DEP #143-1090) Public Hearing Continued: Abbreviated Notice of Resource Delineation: Otwood Investment Group, LLC., 33 & 38 Caswell Court, Map 137 Lots 6 & 8 – Possible votes

Michael Dryden with Allen Engineering recapped the resource area plans and stated that they received marked up plans from Ecosystem Solutions and they made the suggested changes. Brandon Faneuf agreed all the requested changes have been made and he sees no further work that needs to be done and recommends the approval of the ANRAD and the issuance of an order of resource area delineation. Mr. Dryden will relay to his client that the commission requested a point of access and a historic crossing to the Castle Caves property.

(1:34:25 TS) Motion to close the public hearing for Otwood Investment Group, LLC, made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

(1:35:15 TS) Motion to approve the resource are plans for the abbreviated notice of resource area delineation for Otwood Investment Group, LLC as presented made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

12. (1:36:05 TS) 7:00 PM (NOI – DEP #143-1096) Public Hearing Continued: Notice of Intent: John Mshooshian, 45 Martin Road Lot 1 (Single Family Home) Map 169 Lot 23 – Possible votes Nicole Hayes with Goddard Consulting presented the plan updates that have been made at the request of the Commission. There were comments about the deed restriction request prior to building occupancy permit issued.

(1:42:35 TS) Motion to close the public hearing made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

(1:43:30 TS) Motion to approve the notice of intent for John Mshooshian 45 Martin Road lot 1 map 169 lot 23 with the condition that they add the deed restriction noting how much riverfront buffer area was used for this lot and previously permitted lots and that the deed restriction be put in place prior to occupancy permit made by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

13. (1:44:50 TS) 7:00 PM (NOI – DEP #143-10xx) Public Hearing Continued: Notice of Intent: Edward O’Leary, 140 Davis St (7,825 sf Metal Building) Map 192 Lot 1 – Possible votes

(1:45:00 TS) Motion to continue 140 Davis Street to May 13th, made by Jim Foran, 2nd by Josiah Burch. Matt Benoit stated that he is still trying to find a peer review for this property. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Josiah Burch, Joe Fitzpatrick all in favor.

Updates:

14. (1:46:05 TS) CRG 105 & 123 Gilboa St (DEP #143-1042)
Mitchel Rausch with Clayco gave an update for the project with the erosion controls and the stabilization and Brandon Faneuf showed pictures of the site. Brandon Faneuf stated for the record that tickets to date are being handed to Mr. Rausch to give to the owner.
15. (1:57:55 TS) Oak Street Solar Project (DEP #143-0989)
Jason Smith with BlueWave, Greg Morehouse with Mill Creek Renewables, Pat Mahan J Bates and Son and Jesse Alderman Attorney for BlueWave all present at the table to discuss the project and went through updates for construction and the basins. Brandon Faneuf reread the language of the motion from the last meeting as it was late and the motion seemed to be muddled.
(2:06:30 TS) Motion that the applicant shall not proceed to phase 4 of the project until phases 1, 2, & 3 are completed and stabilized to the Conservation Commission satisfaction, all peer review, and peer review work surrounding basins 1 and 5 are complete and resolved. Stephen Kroll of 78 Torrey Road a resident of Sutton voiced his concern about the developer not being allowed to move on to the next phase so his property stops getting flooded and would like to see them be allowed to progress to fix the stormwater issues effecting his property. Bill Cosenza another Sutton resident and Lisa Mosczynski 60 Oak Street voice her concerns and complaints

with the stormwater issues. Corey Brodeur with Haley Ward suggested someone from Haley Ward witness the excavation to confirm the soil conditions and stated his comments on the sediment basins. There was back and forth about the soil and the basins on whether there was anything that has not met code and being allowed to move forward with the project to the next phase. Jeff Murphy with Beals and Thomas gave his opinion of the use of the basins. They all discussed the motion from last meetings' language and the conditions.

(3:06:50 TS) Brandon Faneuf read the language for the conditions as follows:

The applicant shall not proceed to phase four of the project until phase 1, 2, and 3 are complete and stabilized to the Conservation Commissions satisfaction, all review, and peer review work surrounding basins 1 and 5 are complete and resolved. Attorney Jesse Alderman stated in response to this revision, as amended this becomes appealable again and they will have to reserve all rights to appeal. Motion by Mark Mungeam, 2nd by Jim Foran. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Joe Fitzpatrick all in favor, Josiah Burch abstained. They are moving this discussion on to the May 20th meeting to further discuss this matter.

(3:09:20 TS) Josiah Burch excused himself from the remainder of the meeting, as it is old business that he would abstain from.

16. (3:09:30 TS) Lakeshore Drive Enforcement Order – Dave Cahill Lakeshore Drive, went through the plan revisions and the commission and Mr. Faneuf commented on what else they would like to see added to the plan. Mr. Faneuf discussed some new development/violation of the movement of boulders on the bank of the pond that was not authorized on both the Goodison and Moran properties. Robert Moran explained the work that had been done because of the order to remove the sediment from the pond and the need to move the rocks. The Commission decided to issue a cease and desist so they can assess the situation and decide what they want to have done. Matt Benoit stated that this has to be a different enforcement order than the removal of the sediment.
17. (3:36:00 TS) Meeting Minutes:
(3:36:25 TS) Motion to approve the meeting minutes of October 16, 2023 and November 20, 2023, as written, made by Jim Foran, 2nd by Mark Mungeam. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Joe Fitzpatrick all in favor.
18. (3:37:50 TS) Motion to adjourn the meeting made by Jim Foran, 2nd by Mike Greco. Roll call vote – Mark Mungeam, Jim Foran, Mike Greco, Joe Fitzpatrick all in favor.

Upcoming Meetings: May 13, 2024, May 20, 2024 & June 3, 2024

Respectfully submitted,

Stephenie Gosselin