

CONSERVATION COMMISSION
MONDAY, SEPTEMBER 23, 2024
RESOURCE ROOM

Attendance: Chair Mark Mungeam, Vice chair Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Josiah Burch, Brandon Faneuf Conservation Agent, Matthew Benoit, Town Staff

Mark Mungeam called the meeting to order 6:33 pm.

1. (0:45 TS) Mail/Orders to be signed: Moved to the end of the meeting.
2. (0:55 TS) Meeting Minutes: June 3, 2024 – Possible votes
(1:55 TS) Motion to approve the June 3, 2024, meeting minutes as written, made by Mike Greco, 2nd by Jim Foran. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
3. (2:25 TS) Open Space Committee – 77 Mumford – budget for sign – Possible votes
Matt Benoit stated that the signs previously were done by town meeting warrant article, and since asked the Open Space Committee to produce some estimates for the town meeting article. The Commission discussed if it was possible of establishing a budget or funding source for the Conservation Commission to be able pay for these types of expenses like signs for trails, and Matt Benoit said he would research it.
(6:10 TS) Motion for Matt Benoit the Community Development Director to research some funding mechanism for the Conservation Commission to be able to pay for the signage, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
4. (7:10 TS) Discussion – 13 Yew Street – Possible votes
Brandon Faneuf stated that a complaint came in that the new owners have a horse paddock beyond the limit of work. Mr. Faneuf issued a cease and desist and to remove the lean to and he has confirmation that the property owner has done so. The Commission agrees that no action is necessary going forward.
5. (13:30 TS) Possible Enforcement Order – 206 West St – Possible votes
The property owner is in the process of submitting an RDA application, and stated they were unaware of not being able to clear in the area and showed photos of the site. The owner is prepared to seed the area.
6. (27:30 TS) Request for Certificate of Compliance, (DEP #143-1085), Jessica Bengston, 11 & 17 Potter Rd, Map 136 Lot 8 & 9 – Possible votes
Brandon Faneuf updated that the property owners cleared land and put up a boulder wall within the river front area and partially within the 100-year flood zone, and since they have come up with a restoration plan and received an order of conditions to the restoration work. Mr. Faneuf showed photos of the site and the restoration area growing in nicely. The owner has someone coming out this week to do the as built plan. This will be continued to the next meeting so they can have the as built.
7. (34:20 TS) Extension Request for Order of Conditions, (DEP #143-0994), 349 Southwest Main St – Possible votes
Joe Gitari is representing the property owner and stated they are looking for a one-year extension to be able to proceed with clearing a path to the well and putting the well in.
8. Extension Request for Order of Conditions, (DEP #143-0995), 335 Southwest Main St – Possible votes
(38:35 TS) Motion to approve the one-year extension, no changes from the previous order of conditions for both 349 and 335 Southwest Main Street, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Old Business:

9. (41:15 TS) 6:30 PM (NOI-DEP #143-1111) Public Hearing: Notice of Intent: Robert Sullivan, North St between Gilboa St & Brown Rd, (Roadway & Utility Improvement), Map/Lot: N/A right of way- Possible votes
Brandon Faneuf updated the project status and showed plans, Bob Minarik reviewed the project.
(48:25 TS) Motion to close the public hearing made by Jim Foran, 2nd by Mike Greco.
Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
(51:20 TS) Motion to issue the order of conditions for Sullivan North Street between Gilboa Street & Brown Road roadway and utility improvements to include special conditions – Section 3.2 / SW Management During Construction section of the SW report as a special condition and Section 4.8 / Operation & Maintenance Plan of the SW report as an in-perpetuity condition along with standard special conditions, made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

New Business:

10. (55:20 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 31 Glen St, Map 188 Lot 9 (Tree Removal) Lauren Maccagnano – Possible votes
(55:25 TS) Motion to waive the public notice reading, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
Mark Mungeam called the public meeting open. Matt Benoit updated the Commission on the stop work order for removing trees and Lauren Maccagnano joined the table to discuss what the next steps are after she filed the RDA requested. Mark Mungeam declared the public meeting closed.
(1:01:55 TS) Motion for a negative determination of applicability with the condition they leave the stumps for 31 Glenn Street, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
(1:02:35 TS) Motion to lift the enforcement order for 31 Glenn Street made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
11. (1:03:20 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 4 Birch St, Map 159 Lot 56 (Response to Enforcement Order) Warren Taft – Possible votes
Motion to waive the public notice reading for 4 Birch Street, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
Matt Benoit updated that the applicant filed an RDA in response to the enforcement order and went over the violation and what has been restored and erosion controls put in place. The Commission discussed requesting the property owner to stabilize the area disturbed by the stairs being installed.
(1:15:25 TS) Motion to continue the public meeting for 4 Birch Street to October 7, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.
12. (1:16:35 TS) 6:30 PM (NOI-DEP #143-1112) Public Hearing: Notice of Intent: Christopher Bettencourt, 0 Perry St, (Fire Road), Map 269 Lot 13 & 14 – Possible votes
Motion to waive the public notice reading made by Jim Foran, 2nd by Kate Thompson. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Mark Mungeam called the public hearing open. Attorney Watsky representing Chris Bettencourt and noted the DEP's comments for the Commission and showed the plans showing avoiding the surrounding wetlands and buffer zones. There was lengthy discussion about the width of the road and the area of disturbance. Matt Benoit stated that there is no record of ownership on the property, which the proposed fire road is running through and does not know if they can authorize it. Mr. Bettencourt stated that he was unaware that the engineer had the road going on other property other than his own. Kevin Demers with DiPrete Engineering answered questions from Brandon Faneuf about stormwater management and the reason for the wide width of the proposed road. Tom Schutz with Goddard Consulting stated that they should not have checked the box for single family home and utilities. The Commission cannot make a determination until they find out the owner of the currently unknown property or reconfigure the road. Brandon Faneuf is not convinced that this is stormwater exempt and would like to see the wetland flags refreshed and voiced his concern about the road and runoff issues. (1:59:30 TS) Motion to continue the public hearing to October 7, for 0 Perry Street, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

13. (2:01:00 TS) 6:30 PM (NOI-DEP #143-11xx) Public Hearing: Notice of Intent: Anthony & Denise Brookhouse, 35 Wallis St. (Single Family), Map 185 Lot 10 – Possible votes Motion to waive the reading of the public notice for 35 Wallis Street, made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Mark Allen with Allen Engineering representing the applicant gave a brief background and history of the property, showed the plans, and stated that the limit of work has not changed from the original plans from 2021. The Commission discussed at length the limit of work and the retaining wall and the wetlands buffer zone and the in-law apartment square footage. Brandon Faneuf will set up a site walk to see the property. (2:28:20 TS) Motion to continue the public hearing for 35 Wallis Street to October 7, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Old Business:

14. (2:29:30 TS) 6:30 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, 5 Laurel Glades, (Tree Removal/Deck & Stair Replacement) David Baccus – Possible votes

David and Brenda Baccus joined the table and presented the changes made to the plans, Matt Benoit showed photos of the site, and the trees proposed to be removed. The Commission voiced their concerns about the proposed project and the work that has already been done.

(2:52:25 TS) Motion for a negative determination for the three trees to be removed, the new stairs and the relocation of the hot tub and all other items require a notice of intent, made by Jim Foran, 2nd by Josiah Burch. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Updates:

15. (2:57:00 TS) Lakeshore Drive Enforcement Order

The Commission discussed what was said at the last meeting versus what Christine Hopps said in her email from Chapter 90 regarding the boulder removal. Glenn Wood new environmental counsel for the property owner and Scott Rolfe with OHI Engineering who submitted a proposed mitigation plan that involves putting the majority of the boulders back into the pond and the property owner is prepared to do that. They discussed the dock and the water runoff and erosion on the road into the pond. There was a lengthy discussion on leaving the boulders or placing them back in the pond. Jim

Lecuyer who works for Mr. Goodison and told the Commission what the boulders looked like before they were removed and talked about the water flow and where it comes from and the culverts that take the water.

(3:26:10 TS) Motion to approve the hybrid plan presented by the applicant that shows some boulder placed back in the water while some remain outside of the water by way of an amended enforcement order to be done at low water levels upon the Commissions review of the conditions, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Mike Greco, Mark Mungeam all in favor, Brendan Doyle and Josiah Burch opposed, the motion passes.

16. (3:32:45 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)

Brandon Faneuf stated it looks great.

17. (3:33:00 TS) Open session for topics not reasonably anticipated 48 hours in advance of the meeting.

Matt Benoit received a letter from DCR that serves as a notice for the consideration of the acquisition of a parcel of land in Douglas approximately 35 acres for conservation purposes.

Upcoming Meetings: October 7, 2024 & October 21, 2024

(3:36:05 TS) Motion to adjourn the meeting made by Josiah Burch, 2nd by Mike Greco. Roll call vote – Jim Foran, Brandon Doyle, Kate Thompson, Mike Greco, Josiah Burch, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin