

CONSERVATION COMMISSION
MONDAY, OCTOBER 21, 2024
RESOURCE ROOM

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

Absent: Josiah Burch

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

(0:45 TS) Meeting Minutes: NONE

Discussion:

1. (1:25 TS) 2025 Draft Meeting Schedule – Possible votes
Brandon Faneuf asked if they would do the second and fourth Mondays.
(8:45 TS) Motion to approve the Conservation Commission draft hearing schedule for 2025 for the second and the fourth Monday excluding July 28th and August 25th made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.

New Business:

2. (9:20 TS) 6:30 PM (RDA) Public Meeting: Request for Determination of Applicability, 206 West Street, Map 160 Lot 3 (Land Maintenance) Keegan Van Sicklen & Victoria Ruocco – Possible votes
(9:45 TS) Motion to waive the reading of the public notice for 206 West Street, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.
Keegan Van Sicklen joined the table, gave a background of the work, and stated that Matt Benoit stopped over at the property to take photos. Matt Benoit showed the photos to the public and the Commission asked if he would be willing to not maintain or mow 25 feet from the riverfront. Mr. Van Sicklen agreed to that request. Mark Mungeam closed the public hearing.
(21:30 TS) Motion to issue a negative RDA with the condition of no mowing within 25 feet of the riverfront and can be planted with grass and blueberry shrubs within 25 feet with minimum maintenance, made by Jim Foran, 2nd by Kate Thompson. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.

Old Business:

3. (22:30 TS) 6:30 PM (NOI – DEP #143-1114) Public Hearing Continued: Notice of Intent: Town of Douglas Water/Sewer, 59 Depot St & Depot St ROW, (Water Main Improvements) Map 169 Lot 54 – Possible votes
Bob Minarik Economic Development stated they received the DEP # along with their comments and Stantec issued a letter today addressing all four comments. They went through the comments and responses and Brandon Faneuf feels they have answered adequately. Mark Mungeam declared the public hearing to be closed.
(39:35 TS) Motion to approve a notice of intent for the Town of Douglas Water/Sewer, 59 Depot St & Depot St ROW, water main improvements with standard special conditions and with the Stantec letter dated October 21, 2024, and to include the long-term operation maintenance plan as an in-perpetuity condition, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Kate Thompson, Mike Greco, Mark Mungeam all in favor, Brendan Doyle abstained.

4. (42:25 TS) 6:30 PM (NOI – DEP #143-11xx) Public Hearing Continued: Notice of Intent: Anthony & Denise Brookhouse, 35 Wallis St, (Single Family), Map 185 Lot 10 – Possible votes Mark Allen with Allen Engineering stated that he reached out to Mass DEP section chief Judith Schultz last week about the DEP # with no response, and he presented changes to the plan. They discussed the rock wall at length with proposed changes to the wall and a new landscaping plan. The plantings are native so they can plant before they receive a DEP # and close the public hearing.
(55:05 TS) Motion to continue the public hearing for 35 Wallis St to November 4, 2024, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.
5. (56:25 TS) 6:30 PM (NOI – DEP #143-1113) Public Hearing Continued: Notice of Intent: Kyle & Crystal Genesse, 122 Walnut St, (Single Family) Map 274 Lot 7.2 – Possible votes Karen Keegan with Allen Engineering gave an overview and the changes the Commission requested to be made to the plan. Brandon Faneuf's recommendation is to approve the plan and in the wetland replication area preserve the 30-inch Hemlock, the 30-inch dead Hemlock and the 28-inch and any other trees in the jurisdictional area the Commission wishes to see preserved. Mark Mungeam closed the public hearing.
(1:07:50 TS) Motion to approve the Notice of Intent for 122 Walnut Street with the conditions of the saving the previously mentioned trees and with standard special conditions, made by Jim Foran, 2nd by Mike Greco. Roll call vote – Jim Foran, Kate Thompson, Mike Greco, Mark Mungeam all in favor, Brendan Doyle abstained.
6. (1:09:05 TS) Request for Certificate of Compliance, (DEP #143-0623), Kyle & Crystal Genesse, 122 Walnut St, Map 274 Lot 7.2 – Possible votes Brandon Faneuf recommends a complete certificate of compliance.
(1:10:05 TS) Motion to approve the certificate of compliance for DEP # 143-0623 for 122 Walnut Street, made by Jim Foran, 2nd by Kate Thompson. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.
7. (1:13:30 TS) 6:30 PM (NOI – DEP #143-1112) Public Hearing Continued: Notice of Intent: Christopher Bettencourt, 0 Perry St, (Fire Road), Map 269 Lot 13 &14 – Possible votes Matt Benoit showed photos of the site and stated that he received a request from Mr. Bettencourt to moments ago to continue the public hearing because they are still working on the plan.
(1:14:05 TS) Motion to continue the public hearing for 0 Perry St (Fire Road) to November 4, 2024, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.
The Commission had a short discussion about the fire road and the need for it.

Enforcement Orders:

8. (1:17:35 TS) 4 Birch St Enforcement Order – Matt Benoit showed photos of the site from today with no seeding done yet and showed a dirt berm on the edge of the road. The Commission requested that the seeding and stabilization be done by last Wednesday and no work has been done. The Commission, Matt Benoit and Brandon Faneuf discussed what to do about issuing a ticket and if they should. Brandon Faneuf recommends stating that the applicant is in violation of the condition of the determination and issue the fee as the Commission sees fit.
(1:29:05 TS) Motion to issue a fine of \$200 and issue a letter stating the violation, to do the work, and to attend the November 4, 2024, meeting to give an update, made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.

9. (1:31:50 TS) Lakeshore Drive Enforcement Order – Amended EO for Signatures
Brandon Faneuf stated that the only thing that needs to be done is to sign the enforcement order; the amended EO was written, reviewed and approved at the last meeting. On Wednesday November 23, at 10 am a site walk will be done with DEP on Lakeshore Drive regarding the road issues. David Cahill voiced his concerns and frustration for the rocks that were removed and the erosion issues. Brandon Faneuf showed a video that goes back to the original violation of the water flow down the road and properties into the pond.
10. (1:45:25 TS) CRG, 105 & 123 Gilboa St (DEP #143-1042)
Brandon Faneuf updated the Commission that CRG is looking great

Certificate of Compliance & Extensions:

11. (1:45:40 TS) Request for Certificate of Compliance Continued (DEP #143-0572), Timothy Nealon, Old Farm Rd/Woodland Rd, Map 237 Lots 5-27 & Map 238 Lots 24-41 – Possible votes Brandon Faneuf went to the site last week to check out the whole area and gave an update on the progress of the project. His recommendation is to issue a partial certificate of compliance because they only built two out of the three-wetland replication areas but add an in-perpetuity condition of the long-term operation and maintenance plan. They discussed doing a bond or other options to ensure the third wetland area is done.
(1:56:35 TS) Motion to issue a partial certificate of compliance with the special conditions as ongoing conditions and a letter stating the Commission's request on when the 3rd wetland replication area should be done and if not done take enforcement action, made by Jim Foran, 2nd by Kate Thompson. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.

Other:

12. (1:57:55 TS) Mail & Orders to be signed
13. (1:58:15 TS) Open session for topics not reasonably anticipated 48 hours in advance of the meeting.
The Commission discussed the MACC annual environmental conference, and the next one is March 1, 2025, at Holy Cross College in Worcester and if anyone is interested in signing up for it.

Upcoming Meetings: November 4, 2024 & November 18, 2024

(2:04:25 TS) Motion to adjourn the meeting made by Jim Foran, 2nd by Brendan Doyle. Roll call vote – Jim Foran, Brendan Doyle, Kate Thompson, Mike Greco, Mark Mungeam all in favor.

Respectfully submitted,

Stephenie Gosselin