

APPROVED 7/17/2023

CONSERVATION COMMISSION
MONDAY, APRIL 10, 2023
RESOURCE ROOM

Attendance: Chair Tracy Sharkey, Vice chair Katiegrace Dudley (remote), Eric Harris, Mike Greco, Mark Mungeam, Steve Zisk Conservation Agent

Absent: Joe Fitzpatrick

Chair Tracy Sharkey called the meeting to order at 7:01 PM.

Discussion:

1. (7:01 PM) (0:10 TS) Mail:
 - Letter from the Office of Dam Safety
 - Letters from the Federal Energy Regulatory Commission
 - Letter from Law Office of Keith K. Fuller
 - Email letter from Open Space & Recreation Plan 2023

The Commission reviewed the letters.

2. (7:09 PM) (8:00 TS) Meeting Minutes & Orders to sign: The orders were passed around to members for signature.

3. (7:09 PM) (8:45 TS) Review / Update – CRG, 105 & 123 Gilboa St (DEP #143-1042)

Todd Morey with Beals Associates representing CRG stated that there was some drilling into boulders for piers and the dust debris was getting into the river due to the wind and carried downstream and the activity went on for about an hour. They have taken measures to stop this by removing that piece of equipment off the site and there is no more drilling. Mr. Morey has asked Clayco and their bridge contractor to completely replace all the silt socks all along the northern edge and to clean up the debris between the silt sock and the sheet pile, also to have not workers or any storage behind the sheet pile. Mr. Morey's expectation is that the silt sock will be replaced before his next site inspection, and if it is not, he will have them stop work and replace it. Art Allen with EcoTec agrees with Mr. Morey, Mr. Allen could see sediment along the riverbank when he visited the site on March 24th and stated that Mr. Morey came back with a thorough explanation and response when he raised his concerns. When Mr. Allen went to the site on April 4th, there was a new silt sock the entire length and they cleaned up the area between the silt sock and piling area and he does not see it being a continuing issue. He has also kept Uxbridge in communication because they asked him to due to their concerns over the river on the Uxbridge side of the project site. The Uxbridge agent requested to have a site visit and that is set for April 13th at 1 PM. Mr. Allen also noticed on his last inspection there was a good amount of dirt accumulating on the edge of Gilboa Street and two unprotected catch basins in the gutter line that could receive that material when it rains. The MAS Bridge people stated that they have silt sacks that would be installed in the catch basins, and he asked that the catch basin be included in the weekly SWCA inspections. Mr. Mungeam's concern is the reporting and stated that they need to improve upon the reporting of issues to the Commission. The Commission stated to Mr. Allen that they would like the contact person Tom from Calyco to be notified that any issues that arise need to be communicated to everyone that needs to know. The Commission would also like confirmation that the catch basins have their silt sacks in them and a timeline when the dirt pile next to Gilboa Street will be moving. Mr. Allen stated that it is not a dirt pile and that it is just a matter of sweeping the street to take care of that. The

Commission can take a site walk at their leisure, and Mr. Morey asked that anyone going on site to check in Clayco's trailer first for some safety protocol.

4. (7:25 PM) (24:00 TS) Review / Update – BWC Whitin Reservoir, 45 Oak Street (DEP #143-0989)
Art Allen was up on the site last week to follow up on the tree cutting and see what progress has been made on the construction entrance, and they have finished the tree cutting and have not moved any trees off site and is stockpiled waiting to get the construction site entrance in. In addition, other than the logging machine there has been no traffic or trucks on or off the site at this point. Mr. Allen was told that they would be putting in the construction entrance this week.
5. (7:27 PM) (26:40 TS) Review / Discussion on culvert plan for 115 Shore Road
The Commission received a request to continue to the May 8th meeting.
6. (7:28 PM) (27:00 TS) Discussion, (DEP #143-1025), 175 Southwest Main Street, Lloyd Morin
Byron Andrews with Andrews Survey and Engineering with plans for the Commission to review. Mr. Andrews is asking for the Commission's opinion of proceeding, when they went out to check the site, they found that due to the excavating from the construction of the house, so the flood area is in excess for the flood storage, and so they do not need any additional compensatory flood storage. They did find out that for the house itself being in the flood zone would need additional protection around it because of the hydrodynamic forces if there were a flood. What they are proposing is a retaining wall less than 4 feet around the living area of the house that would have foundation, so to do this they would need more flood storage and the revised plans show the calculations they would need for flood storage. The calculations they came up with are 196 cubic yards had been removed and 174 is proposed to be replaced, and what Mr. Andrews would like from the Commission is whether they should go for an amended order of conditions or would it be a new order of conditions. Ms. Sharkey stated that in her opinion it would be an amended order of conditions. Ms. Sharkey stated that she feels they may need to make a case whether this is making it better or more impactful regarding the poured foundation. Mr. Andrews stated that they would argue that they are making it less impactful than the conditions prior to the construction of the house when the flood maps would have been prepared. Mr. Andrews is going to review the plan again because there seems to be an error with the limit of work activity.

Old Business:

7. (7:39 PM) (38:35 TS) 7:00 PM (ANRAD-DEP #143-10xx) Public Hearing Continued: Abbreviated Notice of Resource Area Delineation: Gilboa St, North St & Rte. 146, Maps 113-115 Lots 1-3, 1-2 & 1, 2, 3, 5 & 8 (Warehouse Project), Fred Ferraro – Possible Votes
Mr. Zisk stated that associated with the ANRAD was the discovery of a violation, and Art Allen with Ecotec the consultant for the Commission doing the peer review and he did site walks on March 10th and 13th and summarized his comments in a report to the Commission dated March 16th and in that report were the two separate violations that were found. The first violation was at the crossing between the two different parts of the mining operation crossing of Gilboa Brook there were no erosion controls put in place, and shortly after the report of the violation, they put in straw waddles and hydro seeded the slopes. The second violation was on the other end of the site in the vicinity of the wetland flags 105 on parcel 5, they had done out after the delineation was done to do some testing and knocked down a flag and some trees down into the wetlands, and after that was brought to their attention, they went out quickly and cleaned that up. The client-revised plans were submitted to address Mr. Allen's comments to the ANRAD, and the delineation revised through March 29th and after review Mr. Allen stated that all his comments had been properly addressed. Mr. Morey and the Commission discussed the wetland

disturbance and the reason for it. Tracy Sharkey suggested since they did the quick repairs and there were no impacts that they issue only a \$100 fine per violation.

(7:57 PM) (56:10 TS) Motion to issue a \$300 fine for the crossing disturbance and \$300 for the exploratory testing for a total of \$600 made by Katiegrace, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(7:59 PM) (58:40 TS) Motion to close the public hearing made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(8:00 PM) (59:00 TS) Motion to issue the ANRAD made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

The “OSHA” for mining came to the site and told them they were not allowed to use the crossing anymore because there is perceived hazard that a truck could fall over the shoulder, so they asked them if they could put a guard rail there which should take 3 to 4 days to install. Ms. Sharkey stated that in her opinion it would have no negative impact for 3 days in an already disturbed area and necessary infrastructure, with the plan showing erosion controls and distances. They will write up an RDA for the Commission and a metal guardrail will drive better into the ground for temporary purposes.

8. (8:08 PM) (1:07:00 TS) 7:00 PM (NOI-DEP #143-1071) Douglas Camp Meeting, tree leaning over power lines and building.

Dave Blaney the president of the camp present for the discussion, the tree is about 90 feet from the center of the brook and stated that they would like to remove the tree before it does damage and does not have any thoughts about removing the root. The Commission is in agreement with the removal of the tree and leaving the stump.

New Business:

9. (8:10 PM) (1:09:30 TS) Public Hearing: Notice of Intent: 41 LedgeWood Drive, Map 102 Lot 8 (Single-Family & Septic), Linda Nunes – Possible Votes

Margaret Bacon with Civil Site Engineering representing Linda Nunes regarding a proposed house and septic. The proposal is to remove the existing cottage and build a 3-bedroom year-round house and abandon the existing gravel drive and put another one in around the back of the house. The proposed septic would be outside of the 100-foot buffer zone, they are not drilling another well they had the existing artesian well tested. The Commission would like to see the conditions that the stock piling will be outside of the 100-foot buffer and add to the plan the raising and removal of the existing cottage and the area restored.

(8:27 PM) (1:26:10 TS) Motion to close the public hearing made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

(8:29 PM) (1:28:10 TS) Motion to issue the order of conditions with the two mentioned conditions made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

10. (8:30 PM) (1:29:00 TS) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: 428 Northeast Main Street, Map 141 Lot 66 (Septic Repair), Jason Tavernier – Possible Votes
The ad was just published today so the Commission will pass over this item.

11. (8:31 PM) (1:30:45 TS) 7:00 PM (NOI-DEP #143-10xx) Public Hearing: Notice of Intent: Legacy Circle, Map 166, Lot 15 (Site Access Drive), Peter Michael Business Park, McIntyre Loam, Inc. – Possible Votes

Mr. Zisk stated that they did not notify all the abutters, so they are going re notify and re advertise.

Old Business:

12. (8:32 PM) (1:31:10 TS) 7:00 PM (RDA) Public Meeting Continued: Request for Determination of Applicability, 45 Martin Road, Southwick Brook (Intermittent Stream Determination) Map 169 Lot 23 – Possible Votes
They requested a continuance today,
(8:32 PM) (1:31:25 TS) Motion to continue to May 8, 2023, at 7 PM made by Mark Mungeam, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
13. (8:32 PM) (1:31:45 TS) 7:00 PM (NOI-DEP #143-1070) Public Hearing Continued: Notice of Intent: Bald Hill Road, Map 215 Lot 7.1 (Single-Family), Ralph & Karen Massa – Possible Votes
Kate McDonald from Ecotec to address the Commission’s comments and concerns with a revised site plan, which include an enlarged detail of the road expansion and the location of the guard rails and a construction sequencing plan for the guard rails, they also changed the future barn designation to proposed barn and have that as part of the paperwork.
(8:36 PM) (1:35:20 TS) Motion to close the public hearing made by Katiegrace Dudley, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
(8:36 PM) (1:35:55 TS) Motion to issue the order of conditions made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
14. (8:37 PM) (1:36:25 TS) 7:00 PM (NOI-DEP #143-1074) Public Hearing Continued: Notice of Intent: 94 Island Road, Map 159 Lot 63 (Private Boat Ramp), Daniel Russell – Possible Votes
Margaret Bacon with Civil Site Engineering representing the Russell’s and at the last meeting the Commission requested some vegetation along the boat ramp to help mitigate some of the disturbance so along the slopes she put in some blueberry bushes. The other concern was that storm water would be running down the boat ramp, so she put some spot grades on the plan to ensure water stays where it is or flows in a different direction. The DEP had some comments about performance standards with bank and land under water and Ms. Bacon has a letter for the Commission and DEP that goes through the performance standards and in her opinion, she doesn’t believe what is proposed impairs the performance standards and is all within the guidelines of the Wetlands Protection Act. The permissible impact for bank is 50 feet or 10% whichever is less and there is about 400 linear feet of bank, and they are only impacting about 14 linear feet. Paul, chair of the Whitin Reservoir Water District stated that they do not have any issue with people trying to access the reservoir if meets all the town’s requirements.
(8:47 PM) (1:46:00 TS) Motion to close the public hearing made by Mike Greco, 2nd by Mark Mungeam. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
(8:47 PM) (1:46:25 TS) Motion to issue the order of conditions made by Mike Greco, 2nd by Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.
(8:47 PM) (1:46:55 TS) Ms. Sharkey read an estimate from Graves Engineering for the Public Hearing: Notice of Intent for Legacy Circle for the scope of services, fees not to exceed \$1700.
(8:49 PM) (1:48:25 TS) Motion to accept the scope of services budget not to exceed \$1700 from Graves Engineering made by Mark Mungeam, 2nd Eric Harris. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Upcoming Meetings: May 8, 2023 & May 22, 2023

(8:52 PM) (1:51:45 TS) Motion to adjourn the meeting made by Mark Mungeam, 2nd by Mike Greco. Roll call vote – Eric Harris, Mike Greco, Mark Mungeam, KG Dudley all in favor.

Respectfully submitted,

Stephenie Gosselin