



TOWN OF MENDON
CONSERVATION COMMISSION
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Robert Sweet | Chair
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Susan Cahalan
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Terrence Moore

Motion Sheet January 22nd, 2026

1. Start recording, Call meeting to order
2. Roll Call – Attendance
3. Good & Welfare for the Public (5 Minute Limit per Individual)

Public Hearings

4. (7:00) Request for Determination of Applicability, 61 Kinsley Ln, #26-001

Applicant: David Doherty

Representative: Patrick Doherty, Midpoint Engineering

Project Description: Seasonal removable aluminum dock on Lake Nipmuc.

Staff Comments:

Consider a condition that the Ch. 91 license be submitted by the applicant once acquired, within the three-year period that the determination is valid.

Draft Motions:

I move to close the public hearing for 61 Kinsley Ln.

I move to issue a Determination of Applicability with a positive 2b and negative 2 for 61 Kinsley Ln #26-001.

Detail.

A positive 2b – The boundaries of Wetland Resource Areas and Buffer Zones listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination.

A negative 2 – The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge or alter that area. Therefore said work does not require the filing of a Notice of Intent.

5. (7:20) Request for Determination of Applicability, 54 Kinsley Ln, #26-002

Applicant: Rebecca D. Doherty Revocable Trust

Representative: Patrick Doherty, Midpoint Engineering

Project Description: Clearing, grading, and a portion of a residential driveway within the 100 ft Buffer Zone of a Bordering Vegetated Wetland, associated with a new single-family house.

Staff Comments:

Consider a condition for a preconstruction meeting to review erosion controls.

Draft Motions:

I move to close the public hearing for 54 Kinsley Ln, #26-002.

I move to issue a Determination of Applicability with a positive 2b and negative 3 for 54 Kinsley Ln, #26-001.

A positive 2b – The boundaries of Wetland Resource Areas and Buffer Zones listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination.

A negative 3 – the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to jurisdiction under the Act. Therefore said work does not require the filing of a Notice of Intent, subject to conditions (if any).

6. Notice of Intent, 2 Nipmuc Dr DEP #218-0870

Applicant: Benny Pinto

Representative: Mike Dean, D&L Design Group Inc.

Project Description: Finish the construction of a single-family house, garage, utilities, and vegetation disturbance within the buffer zone to Lake Nipmuc. This project was previously approved under DEP #218-0837 but failed to receive an Order of Conditions. The new filing includes a garage and will require the restoration of 890 sq ft of BVW.

Continued from 10/9/2025

Enforcement Order issued 10/15/2025

DEP Comments:

The site, or portions thereof, are shown as a Zone A FEMA Flood Zone which corresponds to Bordering Land Subject to Flooding (BLSF) which is not shown on the plan. A FEMA Zone A does not have a defined Base Flood Elevation. BLSF should not be transposed from an existing FIRM and should be determined per 310 CMR 10.57(2)(a)(3). The applicant should depict BLSF on the site plan and demonstrate how the project complies with 310 CMR 10.57(4), should work be proposed within this resource area.

The NOI states that 890 sq. ft. of vegetation has recently been cleared within a Bordering Vegetated Wetland (BVW) and seeks guidance on restoration. Additionally, the NOI discusses including vista pruning with no further details. What will these activities entail and where are they proposed? Will they be within wetland resource areas?

MassDEP notes that this lot was subdivided from a larger parcel (f.k.a. 106 Uxbridge Road) in which permits were issued for direct wetland resource area alterations. MassDEP recommends that the Commission evaluate past permits and cumulative permitting thresholds which may be applicable should direct wetland alterations be proposed.

An Enforcement Order was recently issued for the restoration of unpermitted alterations to BVW and the Buffer Zone on this property. What is the status of compliance with the Order? The Commission may consider keeping the hearing open until the Applicant has met all obligations with the Commission.

Staff Comments:

- Applicant must address BLSF comment from DEP
- The proposed garage does not comply with the 50' no-build wetland setback. The Commission may want to request alternatives or a revision without the garage.
- The Commission can require the applicant acquire a ZBA variance prior to considering approving the garage within the wetland setback. Per 310 CMR 10.05 (4)(e)The requirement under M.G.L. c. 131, § 40 to obtain or apply for all obtainable permits, variances and approvals required by local by-law with respect to the proposed activity shall mean only those which are feasible to obtain at the time the Notice of Intent is filed. Permits, variances, and approvals required by local by-law may include, among others, zoning variances, permits from boards of appeals, permits required under floodplain or wetland zoning by-laws and gravel removal permits.

- The proposed stone walls do not comply with the 50' no-build wetland setback. The Commission may want to request alternatives or a revision without the stone walls.
- Catch basin/runoff by the stairs stabilization?
- Consider a permanent visual barrier of the 25' no disturb area with signage or boulders?
- Decide if the riprap by the driveway needs to be pulled back outside of the 25' no disturb zone, potentially at a 1:1 slope.

Draft Motions:

To continue the hearing: *I move to continue the public hearing for 2 Nipmuc Dr to January 8th, 2025.*

The Enforcement Order should be amended to include the time frames and checkpoints outline in the Invasives Species Management Plan. This can be done by accepting and Appendix to the Enforcement order including the ISMP, a pre-construction meeting, and a reporting deadline of October 30th of each year for three years. Review during meeting.

I move to accept the conditions in the appendix to the Enforcement Order issued October 15th, 2025.

Additional topics of discussion

7. 39 Millville St COC Request DEP #218-0858

Review request for a Certificate of Compliance for an Order of Conditions issued to David Kent on November 20th, 2024.

Draft Motions: (pending successful site visit 1/22)

I move to issue a Certificate of Compliance for 39 Millville St DEP #218-0858.

8. Town Forest – James McCarthy

Discussion on selective harvesting at Town Forest.

Appointment request from James McCarthy who is interested in selective harvesting on the town forest. James says he participated in 2002-2003 and that the forest is likely in need of harvesting again. The previous Forest Management Plan has expired and would need to be refreshed. Forest Management Plans on most of our properties have expired. There are some grant opportunities for cost sharing of the plan with DCR, and likely costs around \$5,000.

9. Updates - Chair, Conservation Agent, Lake Nipmuc Task Force, Land-use Committee

10. Review and approve Minutes for December 11th, 2025.

Draft Motion: *I move to accept the minutes for December 11th, 2025.*

11. Good & Welfare for the Commission

12. Items not reasonably anticipated 48 hours in advance of the meeting

13. Adjourn meeting, stop recording