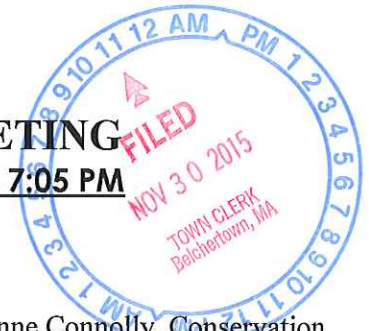


CONSERVATION COMMISSION MEETING
Tuesday, October 13, 2015 Town Hall, Room 101, 7:05 PM



Meeting Minutes

Chairman David Haines called the meeting to order at 7:05 PM. Present were LeeAnne Connolly, Conservation Administrator, Commissioners: Linda Leduc, Jon Clements, Mike Cavatorta and John Henry. Conservation Clerk, Michele Nowak, recorded the minutes. Commissioners Ed Knight and Joseph Babineau were not present for the meeting. Associate member Nicholas Burns was present for the meeting.

7:25 Notice of Intent, Cont. – Blue Meadow Rd., road re-surfacing and drainage, DEP #104-967, Department of Conservation & Recreation, applicant, Map 246, Lot #1.00. The applicant was present for the meeting. The applicant informed the Commission that the plans were being reviewed by DEP and the Army Corps of Engineers. There will be a site meeting tomorrow afternoon at 2:30 PM with Dave Foulis and a representative from the Army Corps of Engineers. Because the proposed work is near an ORW, (flows into Jabish Brook) it triggered the extra review. The Commission had concerns about runoff and drainage. The applicant discussed installing a settling basin, with a depression above it, and with a pad made of stone, not paved. The applicant said the BVW disturbance is temporary. The applicant said they propose to restore the waterway, insert logs to create and restore the banks, seed and stabilize the area. The proposed work is to be done in the fall with the critical work of reclaiming the road bed and resurfacing it, by Thanksgiving. They will utilize a de-watering pit and will line the 50 ft. with hay bales. Members of the Commission will try to attend the meeting with DEP and the Army Corps of Engineers. The Commission requested a Restoration Plan be submitted in time for the next meeting. The applicant agreed to have the hearing continued. J. Clements motioned to continue the hearing, with the applicant's permission, until the October 26th meeting, M. Cavatorta seconded. The motion passed by majority, (4:1), L. Leduc abstained.

7:15 Notice of Intent – North Liberty St., house construction, DEP #104-969, Jeff Almeida, applicant, Map 268, Lot #52.00 (C). The applicant was present for the meeting. L. Leduc conducted the site visit. K. Terry from Sherman & Frydryk was present representing the applicant. The work proposed is for the building of a house. All work is over 50 ft from the wetland. L. Leduc said the property has been cleared up to the wetland flags and has been completely altered. The Commission had concerns approving the wetland delineation and requested a further review of the wetland flags. With the applicant's permission, the Commission would like to continue this hearing until the wetlands can be confirmed. M. Cavatorta motioned, with the applicant's permission, to continue the hearing until the October 26th meeting, L. Leduc seconded. The motion passed unanimously, (5:0).

J. Henry arrived – 7:17 PM

7:35 Request for Determination – Septic Repair, 62 Barton Ave., Map 254, Lot #3.00, John McCue, applicant. This hearing is for an After the Fact Filing with the goal of bringing this work into compliance with wetland regulations. The applicant was present for the meeting. L. Connolly provided the Commission with a status update. L. Connolly observed the work being done for the septic repair and met with the applicant. The grading for the leach field is within 100 feet of pond but not the leech field itself. The septic repair work is currently being done. Mulch has been laid down and the silt fence has been installed. M. Cavatorta conducted site visit. The grass is coming up and the area looks stable. J. Clements motioned to issue a Negative Determination, L. Leduc seconded. The motion passed unanimously, (5:0).

7:45 Request for Determination – Delineation Review- Stream Status, Barrett St., Maps 275 & 276, Lots #9.00 & #15.00, Tom Spellman, applicant. The applicant was present for the meeting. Emily Stockman from Stockman Assoc. LLC was present representing the applicant. The Commission was presented a report which documented the monitoring of the condition of the stream channel, based on 1058 (2). The stream was observed 8-9 times, August – Sept 2015. The applicant's consultant walked the length of the streambed and took photographs. The photos documented no flowing water which provided proof that this is an Intermittent Stream and not a Perennial Stream. There are a total of three culverts throughout

310CMR 10.58 (2). The stream was observed 8-9 times, August – Sept 2015. The applicant's consultant walked the length of the streambed and took photographs. The photos documented no flowing water which provided proof that this is an Intermittent Stream and not a Perennial Stream. There are a total of three culverts throughout its length. D. Haines conducted the site visit and agrees that the stream is an Intermittent Stream. Location 1 is 50 Ft. above Barrett Street crossing, and to Location 12, 170 linear feet below North Liberty Street downstream. The Commission agreed that this determination is site specific. L. Leduc motioned to issue a Positive Determination, M. Cavatorta seconded. The motion passed unanimously, (5:0).

8:00 Notice of Intent, Cont. – Various Town Roads, roadway maintenance, DEP #104-972, DPW, applicant, various town roadways. The applicant was not present for the meeting. This NOI is for the routine maintenance of town-wide roadway activities. All activities will be performed as stated in the Notice of Intent entitled “Bundled Notice of Intent for Roadway Maintenance” dated October 2015 and prepared by Fuss & O’Neill. D. Haines, M. Stinson, and L. Connolly had a meeting with DEP today. D. Haines informed the Commission of the results of the meeting. At this meeting it was determined that the bundled NOI could apply to both Intermittent and Perennial Stream culvert replacements. Prior to conducting any culvert replacement work, the DPW will notify the Conservation Commission in writing of the proposed culvert replacement, including documentation that the crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable pursuant to 310 CMR 10.53(8). Bundling would not apply to any ORW, critical areas and a proposal for separate bundles for 401s. No work is proposed under this NOI within any area mapped by the Natural Heritage and Endangered Species Program, (Estimated Habitats of Rare Wildlife and Certified Vernal Pools). Exemptions to this requirement include routine street sweeping and routine annual mowing along-side paved roadways within 4 ft. of the edge of the pavement. With the applicant's permission, the hearing will be continued so the Commission could receive an Amended NOI from DPW and additional information regarding checklists, for the next meeting. M. Cavatorta motioned to continue the hearing, with the applicant's permission, to the Oct 26th meeting, J. Henry seconded. The motion passed unanimously, (5:0).

8:15 Notice of Intent, Cont. – North Washington St., house construction, DEP #104-962, Robert & Tania Wojtczak, applicants, Map 249, Lot #93.30(3). The applicant was present for the meeting. D. Haines conducted the site visit and confirmed the new wetland delineation. However, it was noticed that Lot #1 is not in compliance and the unpermitted work has also affected lots #2 and #3. The Commission had concerns about the work that has been done on all three lots and requested the applicant move the silt fence from 25ft to the 50 ft Limit of Work that is on the plan for all three lots; to stabilize the disturbed areas with temporary seed mix (annual rye), and provide a Restoration Plan and a Mitigation Plan to the Commission including slash removal for the next meeting. D. Frydryk was present at the meeting and said that the silt fence will be surveyed by this Thursday. The Commission gave the applicant until Monday, October 19th to get the silt fence and seeding done. Also noted were tree tops/slash in the wetlands and the Commission requested a plan for slash removal. No removal of the slash/tree tops can be done until a plan is in place. L. Connolly suggested that the Commission meet with Keith Morris on site. D. Frydryk will survey the limit of work. With the applicant's permission, the Commission requested a continuation of the hearing until the October 26th meeting in order to receive and review the Restoration Plan, the Mitigation Plan and the results from K. Morris and D. Frydryk's reports regarding all three lots. M. Cavatorta motioned, with the applicant's permission, to continue the hearing until the October 26th meeting, L. Leduc seconded. The motion passed unanimously, (5:0).

8:20 Notice of Intent, Cont. – North Washington St., house construction, DEP #104-962, Robert & Tania Wojtczak, applicants, Map 249, Lot #93.20(2). This hearing was conducted concurrently with the 8:15 above, please see the above discussion. The applicant was present for the meeting. D. Haines conducted the site visit and confirmed the new wetland delineation. However, it was noticed that Lot #1 is not in compliance and the unpermitted work has also affected lots #2 and #3. The Commission had concerns about the work that has been done on all three lots and requested the applicant move the silt fence from 25ft to the 50 ft Limit of Work that is on the plan for all three lots; to stabilize the disturbed areas with temporary seed mix (annual rye), and provide a Restoration Plan and a Mitigation Plan to the Commission for the next meeting. D. Frydryk was present at the meeting and said that the silt fence will be surveyed by this Thursday. The Commission gave the applicant until Monday, October 19th to get the silt fence and

seeding done. Also noted were tree tops/slash in the wetlands and the Commission requested a plan for slash removal. No removal of the slash/tree tops can be done until a plan is in place. L. Connolly suggested that the Commission meet with Keith Morris on site. D. Frydryk will survey the limit of work. With the applicant's permission, the Commission requested a continuation of the hearing until the October 26th meeting in order to receive and review the Restoration Plan, the Mitigation Plan, the Slash Removal Plan and the results from K. Morris and D. Frydryk's reports regarding all three lots. M. Cavatorta motioned, with the applicant's permission, to continue the hearing until the October 26th meeting, L. Leduc seconded. The motion passed unanimously, (5:0).

- 8:46 Notice of Intent, Cont. – 92 South Washington St., garage construction, DEP #104-968, Mark & Charlene Normandeau, applicants, Map 273, Lot #12.03. The applicant was present for the meeting. The Commission was presented with a revised plan showing that all work for the 40ft X 30ft detached garage is outside of the 50 ft. Buffer Zone and that the existing shed will be moved as shown on the plan. J. Clements motioned to issue an Order of Conditions, J. Henry seconded. The motion passed unanimously, (5:0).
- 8:50 Notice of Intent, Cont. – Quabbin Tower Improvements, DEP #104-0971, MWRA, applicant, Quabbin Reservoir Visitors Center, 485 Ware Rd. The applicant was not present for the meeting. The Commission received comments from Natural Heritage and it was noted that they had no concerns. The Commission received the revised plans which show the additional erosion controls added as requested by the commission. The new power line will be placed in the existing right-of-way. J. Clements motioned to issue an Order of Conditions, L. Leduc seconded. The motion passed unanimously, (5:0).
- 9:00 Notice of Intent, Cont. – South Liberty St., house construction & access common driveway, DEP #104-0965, Robert Van Zandt, applicant, Map 278, Lot #3.00. The applicant was present for the meeting. D. Frydryk was present for the meeting representing the applicant. The Commission is waiting for the Town Engineer's final report and for the Planning Board to sign off. D. Frydryk reported that the Planning Board, at their meeting this evening, signed off on the plan showing the driveway shifting over 5 ft. The movement of the Common Drive will result in an increase of wetland alteration to 3,784 square feet. L. Connolly reported that the Town's Engineer, Fuss & O'Neil, also signed off. The Town Engineer's report was shared with the Commission. The DEP number has now been issued. The template for the Deed Restriction was also shared with the Commission. The final copy will be prepared at the landowner's expense. The Commission had concerns about the wetland delineation on whole property. The Commission needs to confirm the wetlands and the language of the deed restriction and would like to continue the hearing until the next meeting. J. Clements motioned to continue this hearing, with the applicant's permission, until the October 26th meeting, M. Cavatorta seconded. The motion passed by unanimously, (5:0).

Certificate of Compliance, Cont. – 539 State St., Common Drive, DEP #104-501, Robert Henrichon, applicant. L. Connolly spoke with the Planning Board. They signed off on the project 8 years ago; DPW has also signed off. There are no problems with the common drive. Water bars were not an issue or requirement. J. Clements motioned to issue a Certificate of Compliance, J. Henry seconded. The motion passed unanimously, (5:0).

Discussion Items: Bills – The Commission voted unanimously, (5:0) to pay the bills.

- ✚ Minutes – The Commission motioned to accept the September 14th meeting minutes as amended. The motion passed unanimously, (5:0).
- ✚ Miscellaneous Matters - J. Clements would like the password for the Town Hall internet.
- ✚ New Business – There was no new business.
- ✚ Reed Conservation Area Nature Walk, 9:00 AM on Saturday October 17th. L. Connolly informed the Commission about the walk. Louise Levy will be there and will look for and share information about pond life. The walk is a 1 ½ mile loop.
- ✚ Lake Management Report – L. Connolly informed the Commission about Holland Pond and Lake Arcadia management recommendations and what will be discussed with the Lake Committee. Mark June Wells of AER conducted a vegetation assessment of Holland Pond. In the report he has specific recommendations and this will be discussed at another meeting.
- ✚ Enforcement Order- 1111 Federal St., landscaping material storage in Aquifer Protection Zone. Would like to have it ratified. L. Connolly drove by and reported to the Commission that it doesn't look like any work

was done and she did see evidence of fresh sand making it into the Resource Area. The green return receipt from the Post Office was returned so the homeowner did receive the Enforcement Order. M. Cavatorta motioned to ratify the Enforcement Order, L. Leduc seconded. The motion passed unanimously. (5:0). With the Commission's permission, L. Connolly will follow up tomorrow.

- ✦ ANR Plan – South St. & South Liberty St., Robert & Elizabeth Van Zandt, applicants. The Commission reviewed the ANR plan and a standard letter will be sent to the applicant.
- ✦ ANR Plan - Bay Rd., FMJ Realty, LLC, owner. The Commission reviewed the ANR plan and a standard letter will be sent to the applicant.

9:30 J. Clements motioned to adjourn, M. Cavatorta seconded. The motion passed unanimously, (5:0).

NEXT MEETING Monday, October 26, 2015