

MINUTES

Millbury Conservation Commission

Date: February 1, 2017

Time: 7:00 PM

Present: Donald Flynn, Ronald Stead, Anthony Cameron, Paul DiCicco, Mat Ashmankas

Absent:

Chairman Flynn opened the meeting at 7:00 PM [times of public hearings are advertised times]

MAIL

No Mail or Minutes

Chairman Flynn provided members with information of an upcoming seminar on Invasive Species and asked members to return information to the clerk if interested in attending.

7:05 P.M.

Robert Mattus
Informal
36 Singletary Road

Mr. Mattus was not present for the informal meeting. It was noted that MA DEP (Massachusetts Department of Environmental Protection) cancelled the site visit due to snow cover. Vice-Chairman Stead would like to wait to have additional discussions until DEP is available to conduct a site visit. Chairman Flynn stated that Mr. Mattus was supposed to attend the meeting with an engineer.

Mat Ashmankas has visited the site multiple times and the hydrology is not good due to the fine material. If present protections fail in any manner such as a heavy rain or melting, the area will return to its previous state which was poor. Tony Cameron inquired if the Commission would fine Mr. Mattus. Mat believes the current condition is a bit better with less silt at the street. Chairman Flynn does not think it will hold up during a storm. Mat noted that under present weather conditions, it is OK.

Tony stated an engineer is needed. The Commission should not be telling Mr. Mattus how to control the area. Silt overwhelming the site draining into Lake Singletary is a major violation. General discussion followed with regard to catch basins in the area. It was noted to ask the Conservation Clerk to see if the Commission could get catch basin locations in that area.

Chairman Flynn made a motion to initiate fines to Mr. Mattus at \$\$100 per day beginning February 16, 2017 if he fails to make an appearance with his engineer by the February 15, 2017 meeting, seconded by Tony Cameron, voted unanimously.

Paul DiCicco recommended using a constable to make notice to Mr. Mattus. Mat would also like to include a copy of the original certified mail notice. The Commissioners agreed and would like the notice to include the motion and resolution.

RECEIVED
TOWN CLERK
17 MAY -4 PH 2:50
MILLBURY, MASS.

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7:10 P.M.

Mike Conley
Informal
12 Warren Street

Mr. Conley purchased 12 Warren Street in November. Mr. Conley previously came before the Commission to add an addition to the property that the Commission approved and conditioned. Mr. Conley provided the Commission with the original plan that was approved as well as a new proposed plan for additional work. An existing 1st and 2nd floor deck needs to be replaced. Mr. Conley is proposing to put a slab with footings for a sunroom as well as a slab under the deck. The slabs are on grade with little digging.

Mr. Conley provided the Commission with the previous order of conditions which included sediment barriers and cement trucks will not wash at the street or on the site. Chairman Flynn noted that Mr. Conley has designated the stockpile area on the plan. Cement trucks will enter from the front of the house.

Chairman Flynn stated the Commission needs to decide if Mr. Conley needs an amendment or not. There is very little digging. The proposed new slabs on the lake side may be slightly above current elevations when completed.

Vice-Chairman Stead does not believe there needs to be an amendment. Tony would like to see the new plan attached to the original plan.

Vice-Chairman Stead made a motion that the Commission will not require an amendment, seconded by Paul DiCicco, voted unanimously.

Mr. Conley will sign and date the plan that the Commission is accepting as the revision to his original plan. An amendment will not be required.

7:15 P.M.

Bertin Engineering
Amendment to the Order of Conditions
16 Valente Drive – Proposed tree trimming and restoration plantings associated with a solar array

Chairman Flynn read the public meeting notice for an amendment for proposed tree trimming and restoration plantings. Chairman Flynn read mail regarding a change in ownership and assignment of permits regarding DEP permit # 224-0746. The permit was issued to ZPT Energy Solutions, LLC. ZPT sold 100% of its membership interest in Project Company to 38DN Solar 1 Finco LLC. The new contact person is Ryan Bennett.

Bertin Engineering provided a revised site plan, dated 12/22/16 for consideration as an amendment to the order of conditions for the solar array located at 16 Valente Drive regarding DEP #224-0746.

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Trees within the 25-foot buffer zone will be trimmed to approximately 12' above ground level in order to prevent shading of the solar panels, which are proposed in the adjacent upland area. A Restoration Planting Protocol has been developed and provided by Arthur Allen of EcoTec Inc. utilizing native, medium to large shrubs. The plantings will provide compensatory shading and ground cover to mitigate for the loss of over story canopy.

Peter from Bertin Engineering is requesting that the Commission consider the change to be minor and is looking for an amendment on the existing Order for 16 Valente Drive. Cutting is to take place between the proposed fence line and wetland line. There will be approximately 150 shrub plantings

Vice-Chairman Stead inquired if all work is being done within the property. Peter indicated that the work stops 100 feet from the residential homes. Discussion followed on the types of trees being cut.

Chairman Flynn questioned how does this not change the character of the wetland? Peter indicated the shrubs should provide shading and wildlife habitat. Chairman Flynn inquired about hydraulic changes due to this work. Peter stated that runoff should be almost identical.

Peter will be replacing trees with three to four foot high plantings of witch hazel, dogwood and staghorn sumac. Tony stated you don't get the canopy cover from a four foot tree like a grown tree. The existing trees are fifty to sixty feet high and are casting shadows on the panels.

Don Flynn read notes on the original plan with regard to plantings. Discussion followed as to how long it will take for shrubs to establish themselves, if and how it will affect people downgradient and if there is a maintenance plan for the shrubs. Peter indicated that a landscaping plan is part of the commissioning plan that was submitted to the Commission at a prior meeting.

Peter indicated that the trees being cut will be removed and/or mulched on site. Work will be done within the next two months. They will not drive through the wetland in order to do the work as indicated as "Notes" on the Plan.

Ron Stead made a motion to approve the amendment, seconded by Paul DiCicco, voted unanimously.

Mat Ashmankas inquired if further conditions can be placed on the amendment and Chairman Flynn replied yes. Please provide updated correspondence to ZPT at 309 East County Road, Rutland, MA. The Commission would like ZPT to notify the Conservation Commission head clerk when work will take place.

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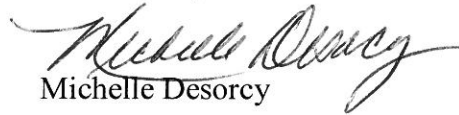
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Discussion followed with regard to an Enforcement Order for James Ljunggren property located at 53 Carleton Road Lot 1. This is a proposed single family house with wetland and an intermittent stream crossing. The owner has filled in right up to the intermittent stream. There is ponding and no erosion controls are in place. Tony would like to send an enforcement order. The Commission will endorse the enforcement order.


Mat informed the Commission has he has turned in the naming of the streams. He also noted that Brierly Pond has been identified as part of the stocking list.

Ron Stead made a motion to adjourn the meeting at 8:25 P.M.; Paul DiCicco seconded; voted unanimously.

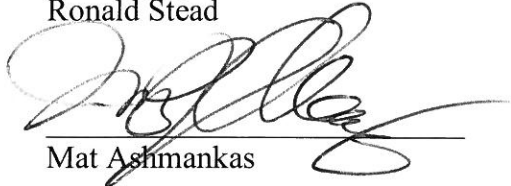
Respectfully submitted,


Michelle Desorcy

Donald Flynn




Ronald Stead



Mat Ashmankas



Anthony Cameron



Paul DiCicco