

MINUTES

Millbury Conservation Commission

Date: May 18, 2016

Time: 7:00 PM

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

Absent:

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

MAIL Chairman Flynn read mail received from National Grid regarding vegetative management along the company's rights-of-way.
Chairman Flynn read mail received from the Federal Energy Regulatory Commission regarding an environmental impact statement resulting from Algonquin Gas Transmission, LLC's construction and operation of interstate natural gas transmission and storage facilities in the Northeast.

MINUTES The members reviewed and signed minutes from April 20, 2016 and May 4, 2016.

7:05 P.M. Susan Marotta came before the commission to discuss adding a deck to her home located at 236 Millbury Ave. Frank McLaughlin spoke for Ms. Marotta. Mr. McLaughlin gave the members some photos to look at. The house is 140 feet away from the lake. Three foot deep footing will be dug. Vice Chairman Stead asked how they will be dug. Mr. McLaughlin said by hand. Chairman Flynn asked what will be done with the dirt. Mr. McLaughlin said it will be put in holes on Cushing Terrace. The commission declined to require a filing for the project with no further action needed by the proponent.

7:10 P.M. Keolis Commuter Services
Request for Determination of Applicability
Purple Lines Right-of-Way
The members looked over and discussed materials received from Fair Dermody for vegetative management along the commuter rail, purple line. Vice Chairman Stead motioned for a negative determination; Paul DiCicco seconded; voted unanimously.

7:15 P.M. William Marchetta
Request for Determination of Applicability
31 Beach Street – Leveling of yard
William Marchetta of 31 Beach Street was present. Chairman Flynn explained to Mr. Marchetta why he is before the commission. The chairman said he issued a stop work order because he observed what he thought were wetland species. Mr. Machtetta said he had checked with the town before buying his house to see if there were wetlands along his property. Mr. Marchetta showed the members a DEP map showing no wetlands on his property. Mr. Marchetta stated that he is not changing anything, just fixing what is already there. Chairman Flynn asked why he thought there is a pipe in his yard. Mr. Marchetta stated for seasonal runoff. Chairman Flynn stated he wants to avoid transfer of water to adjacent properties. Paul DiCicco asked if where the pipe was located was filled in. Mr. Marchetta said he stopped working when told to.
Corrine Marchetta asked if the wetland plants grow in seasonal runoff. Chairman Flynn stated that the plants have grown due to the water not running off. Vice Chairman Stead stated that he thought Mr. Marchetta looked at all the maps available and that there were

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MINUTES

Page 2 of 2

Millbury Conservation Commission

no wetlands on them. Chairman Flynn asserted that any mapping, even from the state's GPS system, is not definitive in determining the presence of wetlands. Chairman Flynn continued saying that wetlands are characterized by the presence of wetland plant species. If there are a high proportion of wetlands species in the area on Mr. Marchetta's property then the area is a wetland.

James Bengtson of 39 Beach Street spoke saying he built a garage in 2008 that is 6 feet from the stream. DEP told him he had no wetlands. Tony Cameron suggested having a wetlands scientist look into it. Vice Chairman Stead stated that he would like to have a negative determination and let the applicant finish his lawn. Paul DiCicco said he has not seen any wetlands on the numerous site visits he has done. Mr. Marchetta will dig and leave open a swale to let the water run. Chairman Flynn asked Bruce Nichols of 33 Beach Street if it will negatively impact his yard. Mr. Nichols said no.

Scott Burke of 35 Beach Street spoke. He stated it was an intermittent stream. Paul DiCicco asked where he got the clarification of an intermittent stream. From this commission he stated. Mr. Burke stated he has flooding on his property due to what others are doing.

James Bengtson asked for the definition of an intermittent stream. Chairman Flynn responded that it is a course that drains an area and if above the stream area there is a bordering vegetated wetland then it is characterized as an intermittent stream and is protected under the Wetlands Protection Act. Chairman Flynn continued that in his opinion the area being filled by Mr. Marchetta and the area farther away from the road from the filled area might be a wetland and therefore the commission should consider the stream an intermittent stream. Mr. Bengtson asserted that when he built his garage years ago he was given the opinion by MA DEP that the stream was stormwater runoff and stated that it is culverted down toward Beach Street. Chairman Flynn responded that streams were often culverted prior to the enactment of the Wetlands Protection Act. Vice Chairman Stead made a motion for a negative determination; Paul DiCicco seconded; voted 3-1. A negative determination will be issued.

7:20 P.M.

William L. Fox
Request for Determination of Applicability
Riverlin Street – Control Beaver Activity

William L. Fox, owner of the property located on Riverlin Street, was present. The property is mostly wetlands. He wants to establish stability. No building will be taking place. The area usually dries out by August, but they are afraid the water will not dry out because of the beaver. Paul DiCicco asked if this was in the commission's jurisdiction. Chairman Flynn said it was. The commission stated there were several options available to reduce flooding outside of trapping, including various water bypass mechanisms that limit the elevation of flooding water. The proponent was directed to develop a plan in consort with MA Division of Fisheries and Wildlife and his consultant/contractor. The meeting was postponed until a plan to remove the beaver or find an alternative to alleviate flooding is brought before the commission.

7:30 P.M.

Massachusetts Department of Transportation
Notice of Intent
Exit 10A I-90 – 0.93 acre parking lot expansion, construction of a stormwater detention basin and landscaping

MINUTES

Millbury Conservation Commission

Sergio Bonilla from AECOM was present for the applicant. The existing parking lot at exit 10A will be expanded to hold tandem trucks. Minor grading will be done. There is a net gain of 35000 cubic feet of drainage. Three new catch basins will be installed. West of the basin will have landscaping. No wildlife habitats will be disturbed. Chairman Flynn asked what was being done for construction. Matthew Mullally of AECOM stated a small portion of the parking lot. This will be done as a maintenance project. This needs to be done before other things so the trucks have somewhere to go. Paul DiCicco asked if any residents will be affected. No, the closest residents are on Greenwood Street. Some existing catch basins will remain. Chairman Flynn asked if the whole area will have to be repaved. Only partial repaving will be done. Heavy straw wattles will be used. Anthony Cameron made a motion for a negative determination; Ron Stead seconded; voted unanimously.

The members discussed where Vice Chairman Stead should take the student from Student Government Day.

Paul DiCicco told the members about a site visit he did for a complaint of a front end loader bucket in Dorothy Pond. The homeowner told Paul that he just had made a mistake by getting too close to the pond.

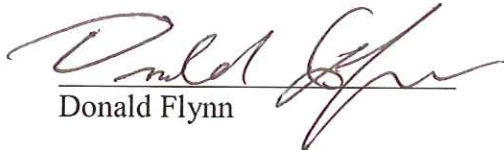
Paul DiCicco read an email the clerk sent the members regarding the all-terrain vehicles going onto the Transfer Station property. The members discussed steps to be taken.

Vice Chairman Stead made a motion to adjourn the meeting at 8:52 P.M.; Paul DiCicco seconded; voted unanimously.

Respectfully submitted,



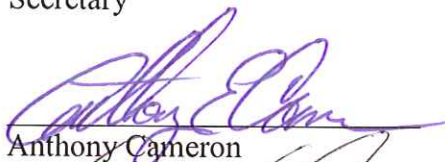
Ann M Swanson
Secretary



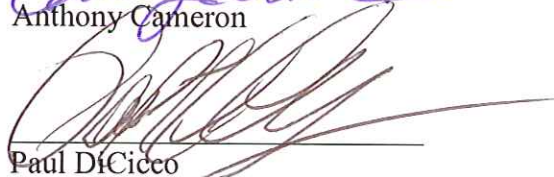
Donald Flynn



Ronald Stead



Anthony Cameron



Paul DiCicco