

MINUTES

Millbury Conservation Commission

Date: September 02, 2015

Time: 7:00 PM

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

Absent:

Chairman Flynn called the meeting to order at 7:00 p.m. [times of public hearings are advertised times]

MAIL:

Anthony Cameron requested an email to be read following a site visit relative to the Ramshorn Pond Dam. There was a suggestion that the Conservation Commission and PARE Corporation were under the influence of the Town Manager when making decisions. Anthony Cameron stated that the Commission does not work under the Town Manager or Department of Public Works but rather is mandated by the State of MA to follow the guidelines as outlined by the Wetlands Protection Act. The Commission is not influenced by Town officials. Chairman Flynn read the email for the record. Chairman Flynn stated that decisions of the Commission have been upheld by MA Department of Environmental Protection (MA DEP). The Commission follows the rules to the best of its ability and interpretation of the guidelines. Vice-Chairman Stead further stated that there are performance standards that must be met through the WPA and he has never been influenced by outside factors. Paul DiCicco concurred with the other Commissioners.

The Commission received an email from Emily Holt of the Natural Heritage & Endangered Species Program with an update regarding Ramshorn Pond Rehabilitation. Upon review of the Notice of Intent as proposed, the project does not occur within Estimated habitat of Rare Wildlife or Priority Habitat as indicated in the Mass. Natural Heritage Atlas (13th Edition). The project is not required to be reviewed for compliance with the rare wildlife species section of the MA WPA Regulations or the MA Endangered Species Act Regulations

The Commission received a letter from Kathy Crewe of the Ramshorn Pond Association that was sent to DPW Director, Rob McNeil providing recommendations on appropriate drawdown levels for Ramshorn Pond. Ms. Crewe provided data from The Schematic Design Report that PARE Corporation prepared in November 2013 lists critical elevations. The Ramshorn Association recommends winter drawdown level to be 622 feet with the capability to draw to 620 feet.

The Commission received a letter from Matthew Waldrip, Engineer at Eversource outlining work to be performed at Oak Pond Avenue. Eversource will install new natural gas main to service the new development Casa Verde Villages using the open trench method. The work is being conducted under the Minor Activities Exemption of the WPA. Eversource will utilize Best Management Practices with regard to excavating, erosion controls, material handling, dewatering and paving.

OLD BUSINESS:

SINGLETERY LAKE REVIEW OOC

Chairman Flynn initiated discussion about amending the Orders of Conditions of Singletary Lake in order to get a better response to the condition requiring minimum amount of flow on a year round basis. Chairman Flynn read Condition #30 ... should a

1000
15 SEP 17 PM 1:29
MILLBURY

MINUTES

Page 2 of 4

Millbury Conservation Commission

Date: September 02, 2015

change be necessary, an individual with knowledge of the control apparatus at Singletary Pond shall seek appointment and approval by the Town Manager. Chairman Flynn believes a change necessary as every year there have been complaints from residents in the area about no flow from Singletary and the Conservation Commission has to take action and contact Dave Rudge. He is usually responsive, however Chairman Flynn would like to appoint the current DPW Director as the primary contact. Mr. McNeil would have resources available and could delegate a task through the Department of Public Works so that action could be taken in a more timely fashion.

Vice-Chairman Stead suggested that on the agenda is the expired Notice of Intent (NOI) for Ramshorn Pond. Discussion followed around having the DPW Director prepare a NOI for Ramshorn, Singletary and Dorothy Pond. When the NOI from Singletary expires, it would then fall under a NOI that covers all bodies of water in Town.

Anthony Cameron questioned who would handle the NOI for aquatic controls for water bodies suggesting the Lake Associations would still handle. Paul DiCicco would like the DPW in charge of drawdown and leave associations in place for weed control, etc. Chairman Flynn would like Mr. McNeil to move forward to develop umbrella conditions to include maintenance roadway activities and dam controls. Commissioners in agreement.

Chairman Flynn stated that the Commission could move forward with the DPW umbrella Orders of Conditions using Best Management Practices for roadway work and maintenance activities, or the Commission could issue an enforcement order to Lake Singletary Association and put the condition delivering the authority to the DPW Director in place.

General discussion followed. The Commission would like the DPW Director to move forward with developing the umbrella notice. In the interim, Anthony Cameron would like to move forward with the request asking the Town Manager to make the change to make the DPW Director the person responsible for managing drawdown.

Vice-Chairman Stead made a motion to request the Town Manager appoint DPW Director in charge of the drawdowns and the dams (Per OOC #30); Anthony Cameron seconded; voted unanimously.

Anthony Cameron noted that the umbrella Notice of Intent would strictly be for regular maintenance activities, however large projects would still come before the Commission. The Clerk is to resend the Spencer document to the Commissioners for review.

STEVE LONG/BORREGO SOLAR CERTIFICATE OF COMPLIANCE

Request for a Certificate of Compliance for 40 Auburn Road Re: OOC#224-0722 from Steve Long of Borrego Solar.

Paul DiCicco noted at his original visit to the site there were logs that needed to be moved.

MINUTES

Millbury Conservation Commission

Date: September 02, 2015

Paul DiCicco has since conducted a second site visit and the logs have been moved away from the Wetlands. Anthony Cameron asked if the area where the wood is stabilized. Paul DiCicco said it was. The culvert near the wetland looks good and he is recommending issuing the Certificate of Compliance at this time.

Paul DiCicco made a motion to issue a Certificate of Compliance for 40 Auburn Road solar farm project; Ron Stead seconded; voted unanimously.

A Certificate of Compliance was approved and issued.

ANTHONY WAITKEVICH CERTIFICATE OF COMPLIANCE

Request for a Certificate of Compliance for 8 Jackson Lane Re: OOC#224-0706 from Anthony Waitkevich.

Vice-Chairman Stead conducted two site visits. At the initial visit, the area was not vegetated. Ron Stead conducted a second visit and grass is planted and the area is stabilized.

Ron Stead made a motion to issue the Certificate of Compliance; Paul DiCicco seconded; voted unanimously.

A Certificate of Compliance was approved and issued.

OTHER BUSINESS:

Paul DiCicco updated the Commission on recent site visits. He visited 12 Lincoln Avenue for cutting of trees on the property. Work was conditioned in 2006 requiring replanting of twelve trees. Paul DiCicco spoke with homeowner and did not see any cutting of trees. Homeowner has planted six trees and plans on planting the other six trees by next Spring.

Paul DiCicco conducted a site visit at 17 Millbury Avenue. He noted that it looked like a tree was cut down and stumped approximately ten feet from the stream. The backyard and stream are well manicured. Chairman Flynn also spoke with the homeowner. Chairman Flynn was concerned about the bottom of the stream as he thought it may be loosened up. The homeowner is going to address the issue with some stone.

Paul DiCicco conducted a site visit at 1521 Grafton Road for the proposed solar farm. It has come to the attention of the property owner that his neighbors has placed materials and two sheds on the property. There is also a possible septic issue on the property. The Board of Health will be notified.

Ron Stead conducted a site visit at 1 Warren Street. Homeowner looking to install a fence on the property line. The fence will start at the street and goes toward Dorothy Pond. There will not be any digging with equipment and hay bales will be installed. He will not be doing any work in the easement. This project is considered a minor activity with no further filing needed.

MINUTES

Millbury Conservation Commission

Date: September 02, 2015

NEW BUSINESS:

The Annual Report was updated to include an additional 20.9 acres of land conveyed to Conservation in fiscal year 2015 per Brierly Pond Phase II project. Paul DiCicco would like to include information about some projects that have come before the Commission in fiscal year 2015 as well as additional information explaining what the Commission does. Paul DiCicco noted the Commission is not about politics. The Commission is mandated to uphold the rules and laws of MA. Vice-Chairman Stead said the Commissioners are neighbors working with neighbors to protect the wetlands.

Vice-Chairman Stead noted that the Commission is still looking for another member if anyone is interested in serving.

REORGANIZATION:

Anthony Cameron began discussion on reorganization. The issue was tabled in June waiting for a new member. Reorganization was voted as follows:

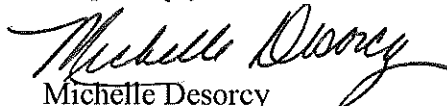
Ron Stead made a motion nominating Donald Flynn for Chairman; Paul DiCicco seconded; voted unanimously.


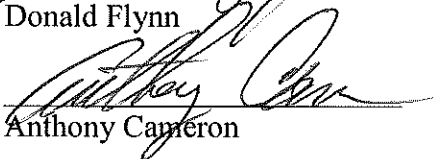
Paul DiCicco made a motion nominating Ron Stead for Vice-Chairman; Anthony Cameron second; voted unanimously.

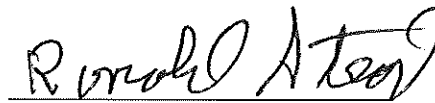
Paul DiCicco made a motion nominating Anthony Cameron for Clerk; Donald Flynn seconded; voted unanimously.

Ron Stead made a motion to adjourn the meeting; seconded by Paul DiCicco; voted unanimously. Meeting adjourned 7:55PM

Respectfully submitted,


Michelle Desorcy
Secretary


Donald Flynn

Anthony Cameron


Ron Stead

Paul DiCicco

CONSERVATION COMMISSION



*A Better World
Through Conservation*

September 02, 2015

Agenda

7:00 P.M. Mail, Minutes, Vouchers

OLD BUSINESS:

Singletary Lake – Review Orders of Conditions

Steve Long/Borrego Solar

Request for Certificate of Compliance Re: OOC #224-0722

Site: 40 Auburn Road

Work: Construction of a solar energy facility

NEW BUSINESS:

Conservation Commission Annual Report FY15

All business not reasonably anticipated to be discussed
Note: Agenda subject to change without notice

