

MINUTES

Millbury Conservation Commission

Date: January 07, 2015

15 FEB 19 AM 11:45
Time: 7:00 PM

Present: Donald Flynn, Ron Stead, Mathew Ashmankas, Anthony Cameron

Absent: Paul DiCicco

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

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

7:00 P.M.

MA DEPT. OF ENVIRONMENTAL
PROTECTION REVISED

WPA REGULATIONS, 310 CMR 10.00
WORKSHOP

Judy Schmitz, Circuit Rider for Massachusetts Department of Environmental Protection (MA DEP) Central Regional Office presented a summary of the Revisions to MA DEP's Wetlands, Waterways, and Water Quality Certification Regulations that took effect October 24, 2014. There were three types of changes made; statutory, regulatory and ecological restoration project permitting process which would include dam removals or large crossing replacements.

Emergency declarations allow work to occur in resource areas and buffer zones in the event of a natural disaster, hurricane or blizzard in order to provide emergency access for public safety. Going forward emergency declarations will be done electronically. If unable to receive a transmission electronically, Commissioners can call into DEP. Emergency declarations will specify types of work allowed, identify mitigating measures, specify reporting requirements, limit geographic extent and limit duration.

A change has been made to abutter notification. For projects affecting land under water, notification is to be made for 100 feet of proposed work. For projects where area is greater than 50 acres, abutter notification is 100 feet of limit of work. Communities that have stricter by-laws in place could override MA DEP regulations. Judy noted that it is the applicant's responsibility to notify proper abutters.

Projects that are linear shaped such as utility easements, projects less than 1000 feet would include a 100 foot abutter notification. Projects greater than 1000 feet would include a 1000 foot abutter notification. Applicants and Commissions can call DEP if clarification is needed.

Chairman Flynn inquired what the notification would be if there was a Dam Project requiring drawdown. Would it encompass only the 100 foot area of work? Don also asked how Commissions can enforce abutter notification based on area of work interpretation. While the regulation is a bit vague, Judy stated it is best to over notify especially is the drawdown could impact fire protection, wells, etc. In some cases there could be requirements to truck in water for fire protection or other alternatives. Don asked if DEP would consider clarification of the notification process on project such as these.

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Judy identified some regulatory changes impacting coastal areas as well as renewable energy including wind turbines. Judy also highlighted changes in language for 310 CMR: 10.02: (b) activities within the buffer zone sections 1 and 2.

Judy pointed out an exemption of utility work if said work is conducted in the existing paved or unpaved area the utility occupies, and the trench is closed at the end of the day. Vegetation maintenance for safety of roadways is also considered exempt.

Another regulatory revision provides that stormwater management systems constructed and installed after November 18, 1996 do not create jurisdictional resource areas or Buffer Zones.

Regulatory revisions will also allow certain projects to be filed as a Combined Application, receiving a Combined Permit from DEP for at least two separate required permits under Chapter 91 and 401 Water Quality Certification Regulations. Some projects that could fall under this are dredging projects and Great Pond activities. With the revisions, Conservation Commissions will continue to have the authority to approve projects under the Wetlands Protection Act.

New and replacement stream crossings must meet all Stream Crossing Standards to the maximum extent practicable. Judy also indicated that there was a change in language to the bank section of the Regulations that when calculating impacts, the revision now states that perennial streams as well as intermittent streams have two sides. She also noted that if the design of a stream crossing meets the Stream Crossing Standards then you do not have to do a Wildlife Habitat Evaluation.

Judy identified Ecological Restoration project types including dam removals, freshwater stream crossings, culvert replacements to reduce or eliminate tidal restrictions, stream daylighting, restoration of rare species habitat and improvement of fish passage. Ecological restoration projects eligible for General Permit are exempt from MEPA (Massachusetts Environmental Policy Act) review. Some advantages to the Ecological Restoration project are that they are exempt from Wildlife Habitat Evaluation, a temporary or permanent loss or conversion of one resource area to another may result when the loss is necessary to achieve ecological restoration goals. Judy further reviewed the restoration project permitting process including Wetlands Protection Act Form 3 Appendix A that applies to ecological restoration, Required Actions Checklist and other required documents in order for an Order of Conditions to be issued.

All information presented can be found at MA DEP's web site at :
<http://www.mass.gov/eea/agencies/massdep/>

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8:00 P.M. Ucef Charmchi
CHARMCHI Notice of Intent Continuance
CONTINUANCE 8 Bayberry Lane

Chairman Flynn opened the hearing. He stated that the Commission was waiting on septic redesign and moving the drop inlet to catch the water coming off the Wetland before it crossed Bayberry Lane. Patrick Burke of HS&T Group represented the Applicant. Mr. Burke was late in providing an updated plan to the Commission. Chairman Flynn noted that the plans were supposed to be provided to the Commission by Monday, January 5th for availability to review. Mr. Burke provided copies of the plan to the Commissioners.

Mr. Burke updated the Commission with changes to the plan. The drainage trench by the side of the road was designed for a ten year storm. Chairman Flynn noted that the stormceptor is now in place of the dropped inlet. Mr. Burke noted the inlet is now on top of the stormceptor. Chairman Flynn explained to residents attending the hearing that the stormceptor was taken out of the street. Instead of having an inlet that feeds into the stormceptor, this change is going to do both. The system will be catching runoff from the property as well as the Wetland.

Don Flynn inquired if the septic design has been approved. Mr. Burke said no. Chairman Flynn stated that this is an accurate portrayal of the size of the system on this plan. Mr. Burke stated yes. Mr. Burke noted that there may be removal of some material but will be replaced with Title V fill. Chairman Flynn asked if there will be a retaining wall removed. Mr. Burke said yes.

Mat Ashmankas inquired as to the specifications for dewatering. Mr. Burke said he can get those. Mr. Burke stated that the contractor provides specifications and then engineering approves them. Mat would like to see the dewatering plan due to the close proximity of the pond.

Mat asked Mr. Burke what the lower dewatering is for. Mr. Burke stated that was for when the septic system is installed, however they do not expect to use it. Mr. Burke further stated that they only need to remove fill so they wanted to have something in place in case they hit groundwater.

Chairman Flynn asked if anyone had any further questions.

Elaine Loehmann of 65 Auburn Road stated that David Mickelson of Geo-Professional Consultants LLC did not have an opportunity to review the plan in advance of the hearing as promised. She did not have any specific questions, however she would like the plan sent to Mr. Michelson as he may have additional comments or questions. Mr. Burke will email plan to Mr. Michelson.

John Loehmann of 65 Auburn Road asked Chairman Flynn is the Commission was in a position to approve even though the septic plan is not approved. Chairman Flynn noted that they could close the hearing unless there was a significant change to the septic design. Don noted that Mr. Burke would be obligated to come back to the Commission if there was a significant change.

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Chairman Flynn requested from Patrick Burke the dewatering parameters that the contractor would have to achieve so water is handled appropriately. Ron Stead also requested that Mr. Burke email Mr. Mickelson the updated plan..

Mat Ashmankas motioned for continuance of the Notice of Intent to February 4, 2015 at 7:45 P.M.; seconded by Ron Stead; voted unanimously.

NEW BUSINESS:

ALEXANDER VILLAR, ESQ. CERTIFICATE OF COMPLIANCE

The Conservation Commission received a request for a Certificate of Compliance for work under OOC #224-376 located at the end of Braney Road under the Cronin Brook Heights Subdivision.

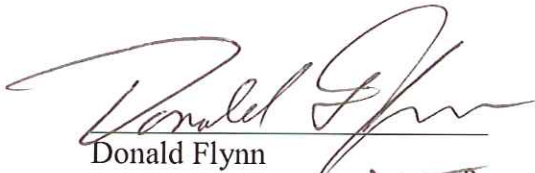
A Certificate of Compliance was approved and issued.

Mathew Ashmankas motioned to adjourn the meeting at 8:45 p.m.; seconded by Anthony Cameron; voted unanimously.

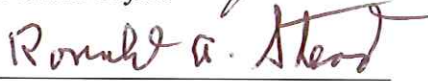
Respectfully submitted,



Michelle Desorcy
Secretary



Donald Flynn



Ron Stead

Mathew Ashmankas



Anthony Cameron

CONSERVATION COMMISSION



*A Better World
Through Conservation*

January 7, 2015

Agenda

- 7:00 P.M. Mail, Minutes, Vouchers
- 7:00 P.M. MA Department of Environmental Protection
Revised Wetlands Protection Act Regulations, 310 CMR 10.00
Effective October 24, 2014
Workshop
- 8:00 P.M. Ucef Charmchi
Notice of Intent – Continuance
8 Bayberry Lane

NEW BUSINESS:

- Alexander S. Villar, Esq. Request for Certificate of Compliance Re: OOC #224-376
Site: End of Braney Road
Work: Cronin Brook Heights Subdivision

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

