

**MINUTES**

**Millbury Conservation Commission**

Date: November 19, 2014

Time: 7:00 PM

Present: Donald Flynn, Ron Stead, Mathew Ashmankas, Anthony Cameron, Paul DiCicco  
Absent:

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

**MINUTES:** Anthony Cameron made a made a motion to accept the minutes of September 17, 2014 meeting; seconded by Ron Stead; voted unanimously. Mat Ashmankas made a motion to accept the minutes of the October 22, 2014 meeting; seconded by Anthony Cameron; voted unanimously. Ron Stead made a motion to accept the minutes of the November 5, 2014 meeting; Mat Ashmankas seconded; voted unanimously.

**MAIL:** Chairman Flynn read a letter from National Grid notifying the Commission of upcoming maintenance work along the existing E157 electric transmission line including repairs to structure 43 and the right of way access roads in the vicinity of structure 43. Access to the work will be gained from Hastings Avenue with work to begin the week of November 17, 2014. All work will be in accordance with the provision of the Massachusetts Wetlands Protection Act (MGL 131-40) utilizing Best Management Practices to ensure no long term adverse effects occur within wetland resources.

The Commission received notice from the Massachusetts Association of Conservation Commissions (MACC) of the slight increase of dues to \$393.00 for fiscal year 2016. Donald Flynn asked the Clerk to ensure 2016 budget includes this increase as MACC is a valuable resource. Ron Stead initiated discussion of adding a membership for the Environmental Council at the Millbury High School. The Commission asked the Clerk to reach out to Terry Hamilton, advisor to the Council. Ron Stead made a motion to purchase a subscription of the MACC's Environmental Handbook for the Environmental Council; Paul DiCicco seconded the motion; voted unanimously.

7:15 P.M.  
LANDSCAPING  
ETC, INC.  
CONTINUANCE

Landscaping Etc, Inc.  
Notice of Intent Continuance  
145 Providence Street

Chairman Donald Flynn opened hearing. Don read an email from Scott Morrison from Eco Tec, Inc. on behalf of Steve Christy of LEI requesting a continuance from the November 5<sup>th</sup> hearing to Wednesday, December 17<sup>th</sup>. The Planning Board has asked for plan revisions and will meet on December 8<sup>th</sup> to review. Scott will provide updated site plans to the Commission once approved by the Planning Board.

Ron Stead made a motion to continue the Notice of Intent to December 17, 2014 at 7:15 P.M.; seconded by Anthony Cameron; voted unanimously.

**INFORMATIONAL  
ITEMS:**

Town Planner, Laurie Connors provided the Commission with a Site Plan dated January 14, 2014 from Terrance Smith, P.E. outlining work that will be conducted at the Singletary Boat Ramp. Discussion followed that this work should be part of an existing Order of Conditions with the Commission. Donald Flynn informed the Commission that the Town of Sutton has presented weed and lake condition survey results. They were looking to put a drain from the roadway to empty into a swale instead of the lake. The plan

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MILLBURY TOWN OFFICE

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included a rain garden. Discussion followed if the rain garden would support high flows in the parking area. Don Flynn also noted that stormceptors were installed some time ago, however cannot be located. The plan is to manage stream runoff in order to alleviate sources of nutrients, specifically nitrates so the pond won't deteriorate. Paul DiCicco inquired if the Commission could ask the Dept. of Public Works to have a low salt area at Lake Singletary.

Chairman Flynn received a call from DPW Director, Rob McNeil indicating that the dredging of Dorothy Pond would be going forward. A contractor from Auburn will be conducting the work that would take a few days to complete. Entry for the dredging would be by Gover property. Paul DiCicco asked where the silt was going. Don said the Town would like to reuse the spoils. Analysis of spoils indicate there could be low levels of contaminates. Material would be dewatered on site, brought to a facility and stored. Spoils could be used for general fill. As part of the Town's LSP, Rob McNeil will ensure compliance with the State's Anti-Degradation Policy.

7:30 P.M.  
LONG/BORREGO  
CONTINUANCE

Steve Long/Borego Solar Systems  
Notice of Intent Continuance  
40 Auburn Road

Chairman Donald Flynn opened hearing. Chris Tait, Sr. Project Engineer of Doucet & Associates provided the Commission with an updated plan: *Site Development Plans for PV Project, 40 Auburn Road, Millbury, MA 01527, Borrego Solar dated 11/18/14*. The updated plan reflects a survey update requested by the Planning Board. He pointed out that the layout at the fence line is slightly different due to electrical design for running conduit. The road is fourteen feet wide crossing two wetlands. Planning wanted stone rip rap at culvert outlets. The total wetland impacts have changed slightly from previous plan. There are 445 square feet bordering vegetated wetlands (BVW) where previously 388 square feet. There are also 45 linear feet of bank where previously 35 linear feet. The BVW replication area increased to 448 square feet previously at 392 feet. A BVW replication is provided and noted on Sheet C5 of the site plans. Don asked is they are matching similar species in the wetlands. Chris said they are and will also be transplanting soils in the area of impact.

The Commission also requested at a previous hearing that swale maintenance be added to the operation and maintenance plan which Chris has provided. Materials and stockpile equipment storage area will also be outside the buffer zone.

Mat Ashmanskas asked if there would be refueling on site. Chris said no but Planning wanted it called out on the plan. Mat asked if the material being removed where the panels are being installed would be stored on site. Chris stated material will be stored on site. Mat noted that there are two brooks below the farm level on the north and east and storage should be as far away from slopes as possible.

Ron Stead asked for detail for Wetlands Crossing 1. Temporary sand bags will be placed up and downstream in the construction area. If there is a rain event water will pool upstream and a submersible pump will be used and discharged one hundred feet away.

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Culverts are at grade. Hydraulics of the channel will remain the same as what exists. They also added energy dissipation stone pads on the downstream side. The slopes up to the road are one to one rip rap to protect against erosion. Sand bags will be removed after construction. Paul DiCicco asked if two pipes would be prudent in the event one was blocked in Wetlands area 2. Chris said the calculations for size of pipe are adequate. Chairman Flynn concurred as there is a maintenance plan in place.

Chris noted a change on the plan from National Grid. A turnaround area is being extended to accommodate access to poles. Paul DiCicco asked if there is any mitigation needed. Chris noted the area is in the buffer zone and upgradient. Discussion followed on the gravel road area. Fire Chief requested about same gravel area to accommodate fire truck turnaround and is satisfied with the existing plan. There will not be any road improvements done on Auburn Road.

Anthony Cameron asked who will be responsible for maintenance of the site. Borrego is responsible for the maintenance as outlined in the plan provided. Borrego will provide a signed copy of the operations and maintenance plan to the Commission.

Ron Stead motioned to close the hearing contingent upon receiving updated plans; seconded by Paul DiCicco; voted unanimously.  
An Order of Conditions will be issued and conditioned accordingly.

7:45 P.M.  
CHARMCHI  
CONTINUANCE

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Notice of Intent Continuance  
8 Bayberry Lane

Chairman Donald Flynn opened hearing. Don read an email from Patrick Burke of HS&T Group requesting a continuance of the November 19<sup>th</sup> hearing to December 17, 2014. The Board of Health is requesting additional soil testing that will take place the first week of December. Any changes that may result from soil testing will be updated on the Notice of Intent plans.

Ron Stead motioned for continuance of the Notice of Intent to December 17, 2014 at 7:30 P.M.; seconded by Mathew Ashmankas; voted unanimously.

8:00 P.M.  
JAMES  
LJUNDGREN  
PUBLIC HEARING

James Ljunggren  
Notice of Intent  
53 Carleton Road, Lot 1

Chairman Donald Flynn opened hearing. Robert Murphy of Robert G. Murphy & Associates, Inc. was present acting on behalf of the applicant, James Ljunggren to develop a new driveway with a wetland crossing within a flood plan. Robert Murphy provided the Commission with *Site Plan James Ljunggren, Lot 1, 53 Carleton Road, Millbury Massachusetts* and *Wetland Replication Plan James Ljunggren, Lot 1, 53 Carleton Road, Millbury, Massachusetts dated 11/4/14.*

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Robert Murphy provided a description of the area. Lot 1 is part of a three lot subdivision that was created. There is a gas line easement that crosses Carleton Road at the beginning of the proposed driveway. There is a 400-500 foot deep wetland that goes close to the gas line easement. There is enough room for a driveway to be built to get to the rear of the property where the perc test passed for construction of a single family home. A wetland crossing is needed to get to the rear of the property. The septic and house are outside of the buffer zone, therefore non jurisdictional. There's a drainage ditch off the roadway near an intermittent stream. The property is also subject to the 100 year flood plain. The plans show a box culvert that will be placed at the stream, the top being at the same elevation of the 100 year flood plain.

General discussion followed as to the location of the additional two lots part of the subdivision plan. Anthony Cameron asked if the other two lots are part of this project. Robert Murphy stated no. Mat Ashmankas asked if the gas pipeline is active and if they were notified as part of this process. Robert Murphy said the pipeline is active and it is located in an easement, thus not considered an abutter. They are, however, aware of the project.

Robert Murphy noted Dave Hagstrom is the owner of the property. Discussion ensued as there is no notation on the plan and he was not notified as part of the abutter notification process. Mr. Murphy stated the applicant is in the process of purchasing the property from the owner so he is aware of the hearing.

Mr. Murphy noted the A&R Plan has been approved by the Millbury Planning Board and will be recorded when the property is sold. Mat Ashmankas asked if there was a DEP Number of file. Mr. Murphy has not received it to date. Mr. Murphy provided additional details on the Replication Plan showing the wetland replication area. The bottom of the stream will be rebuilt inside the box culvert. This is required because the bank is considered a resource area. Mr. Murphy noted the driveway will be 800 feet long constructed of asphalt. He further explained that any drainage will not make it to the stream and a water quality swale will direct water to the upland areas.

Anthony Cameron asked if the culvert was wide enough for wildlife habitat crossing. Mr. Murphy stated the closed box culvert is three feet by eight feet which mimics the stream and meets all requirements.

After further discussion the Commission would like Mr. Murphy to provide the following information for the next hearing; a letter from the homeowner that he was aware of the hearing, a copy of the subdivision plan and the DEP transmittal number.

Ron Stead made a motion to continue the hearing to December 3<sup>rd</sup> at 8:00 P.M.; seconded by Mat Ashmankas; voted unanimously.

8:20 P.M.

SUSAN DEEM

PUBLIC MEETING

Susan Deem

Request for a Determination of Applicability

3 Mildred Avenue

Chairman Donald Flynn opened the public meeting for the demolition and construction of a 26' x 30' garage located at 3 Mildred Avenue. Josh Deem provided general description

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of the project. Ron Stead conducted a site visit and the proposed project is approximately one hundred feet from Broadmeadow Brook. The proposed project will have minimal tree removal if needed and straw wattles will be used on Mildred Ave. side as noted on plan.



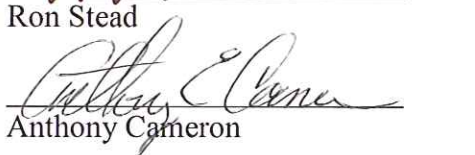
After further discussion, the project also includes the construction of a new driveway. Ron Stead would like to see a new drawing to include the driveway. In addition, the plan should show the elevations. Mat Ashmankas asked if there would be gutters on the building. It was unknown at this time, however if gutters are installed, the applicant should demonstrate where the water will drain. In addition, if there is to be any soil removal, the applicant should show how they will handle. Chairman Flynn noted that a perennial stream is considered a river and the applicant must demonstrate to the Commission how they will keep any erosion on the project site. Based on the new information provided, Ron Stead indicated a Notice of Intent is appropriate. The Commission would like to see a plan including erosion controls, the sequence of events during demolition and construction phases and placement of hay bales, silt fencing, etc.

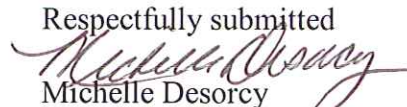
Ron Stead made a motion for a positive determination; Paul DiCicco seconded; voted unanimously.

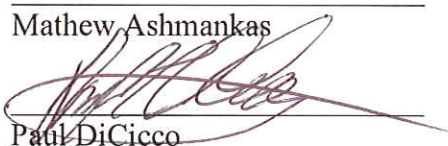
### OTHER BUSINESS:

Terry Burke-Dotson of 20 Salo Terrace also co-owner of 35 Beach Street inquired about various locations on Beach Street whether there were DEP plans on file with the Conservation Commission. There is an intermittent brook that runs along the properties. In the past there has been tree clearing and some excavation. Ron Stead had conducted a site visit following Ms. Burke's concern at 33 Beach Street on November 19, 2014. He did not notice any tree removal, but saw a 10' x 10' by 8" excavation on the property. The intermittent stream behind this property is not open. Ms. Burke is concerned that some homeowners have conducted work without DEP permitting. The Commission will revisit the situation in the Beach Street area.

Ron Stead motioned to adjourn the meeting at 9:20 p.m.; seconded by Mat Ashmankas; voted unanimously.

  
Donald Flynn  
  
Ron Stead  
  
Anthony Cameron

Respectfully submitted  
  
Michelle Desorcy  
Secretary

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Mathew Ashmankas  
  
Paul DiCicco

CONSERVATION COMMISSION



*A Better World  
Through Conservation*

November 19, 2014

RECEIVED  
TOWN CLERK  
14 NOV 19 AM 11:01  
MILBURY MASS

**Agenda**

- 7:00 P.M. Mail, Minutes, Vouchers
- 7:15 P.M. Landscaping Etc, Inc.  
Notice of Intent - Continuance  
145 Providence Street
- 7:30 P.M. Steve Long/ Borrego Solar Systems  
Notice of Intent - Continuance  
40 Auburn Road
- 7:45 P.M. Ucef Charmchi  
Notice of Intent – Continuance  
8 Bayberry Lane
- 8:00 P.M. James Ljunggren  
Notice of Intent  
53 Carleton Road, Lot 1
- 8:20 P.M. Susan Deem  
Request for Determination of Applicability  
3 Mildred Avenue

**OLD BUSINESS:**

- Peter George Request for Certificates of Compliance Re: OOC# 224-376, OOC# 224-537,  
OOO# 224-538  
2 Cronin Brook Way & Open Space A

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

