

MINUTES

Millbury Conservation Commission

Date: January 2, 2013

Time: 7:00 PM

Present: Donald Flynn, Ron Stead, Mathew Ashmankas, Paul DiCicco, Anthony Cameron
Absent: None

VOUCHER Expense voucher was approved and signed

7:15 P.M. Michael Wilczynski
WILCZYNSKI Notice of Intent
PUBLIC HEARING 26 Wheelock Avenue
Chairman Donald Flynn read legal ad.

RECEIVED
TOWN CLERK
13 FEB - 7 PM 1:39
MILLBURY, MASS.

Applicant was present to explain proposal to demolish existing house and construct new house, grade lot to match grade of abutting lots and grade existing driveway. Much of work proposed is within buffer zone to Dorothy Pond. He presented recently taken photographs of the site to the board to show the grade of the site as well as the cinderblock driveway he's proposing to remove. He pointed out that the grades of the abutting properties are higher than this site which is the low spot in the area and proposes fill to raise the grade. He said existing house & foundation are to be removed in entirety, new footing and foundation proposed. He said not much digging proposed. Excavated material will be used for fill. Board reviewed and discussed proposal. Applicant was asked about amount of fill and told board expects to use about 5 truckloads, 2400 cu. ft. to fill area approx. 60' x 40', 12" high. Ron Stead emphasized to applicant that his work must not ultimately adversely impact abutters. Applicant said grade will be even with abutting properties - not higher than. He said he's proposing a perimeter drain under a garden. Applicant said he will do work himself. Small excavator will be used for demolition and container truck will be on site. Several board members determined they would visit & inspect area of proposed grade change. Tony Cameron suggested a continuance pending a revised plan including more details and information depicted on plan i.e. proposed garden & perimeter drain, area of proposed fill. Applicant agreed to continuance.

Mathew Ashmankas motioned for continuance of the Notice of Intent to 7:15 P.M., January 16, 2013; seconded by Tony Cameron; voted unanimously.

7:45 P.M. Susan McArthur/ Massachusetts Department of Transportation
MASSDOT Notice of Intent
PUBLIC HEARING Dorothy Pond
Chairman Donald Flynn read legal ad.

At the onset of the hearing Chairman Flynn informed the audience of the charge of the Conservation Commission relative to this proposal and asked discussion be limited to such. William Clougherty of MA DOT was present along with Gene Crouch, Senior Environmental Scientist of VHB, to explain proposal to dredge & restore the watershed of the 'cove' area of the pond. It was explained in the past that MA DOT was notified that Dorothy Pond was classified as impaired by DEP, and through their Impaired Waters Program, MA DOT hired VHB consulting to plan removal of siltation & restoration of the pond. Mr. Crouch explained the work & research that was done in preparing for this proposal so as to determine depth & area they need to dredge of accumulated sediment. Result is to restore area to natural pre-existing depths and to tie into existing contours. Referring to site plan, he indicated the limit of work area they determined will be restored

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by dredging. He said work will be undertaken when water is at low level during winter season. Propose to install sand bag dam at culvert & extend pipe so brook can flow during time of work. Construction access will be via Mr. Gover's Millbury Ave. property so as not to have to go through wetlands. To minimize disturbance, a long-reach excavator will be used. Mr. Crouch explained the restoration process of land under water following dredging: the previously harvested emergent aquatic vegetation will be re-installed in the vicinity of its original locations. Purple loosestrife will not be harvested or replaced. Approximately 1300 cubic yards of material, covering 47,200 square feet of the cove, is proposed to be removed. Removed material will be dewatered in an adjacent upland area & then removed from site. In response to the Chairman, Mr. Crouch said dewatering site will be mitigated, explaining he doesn't expect much flow from stockpiled material, expects it will infiltrate, however is conscious that material not get back into pond & will monitor closely to assure the same. He estimates several weeks for project completion. He said Mr. Gover has been notified and knows about project proposal.

Board reviewed proposal and discussion ensued. Chairman Flynn asked about soils. Mr. Crouch spoke about the chemical content & characteristics of the material, explaining it's fairly clean, sandy material. Chairman asked about the 25 linear feet of bank being used for staging area. Mr. Crouch explained it as temporary disturbance; bank will be re-graded and restored to pre-construction conditions when operation is done. Paul DiCicco asked if the portion of the Mass. Turnpike, near the cove (at the culvert), is a salt free area of the highway. Mr. Clougherty responded that he didn't think so. Mr. DiCicco contended that sediment siltation will thus happen again over coming years. Mr. Crouch commented that, as part of state's Impaired Waters Program, it's on the horizon for the state to also fix the source so it won't happen again. Mat Ashmankas asked about the temporary sand bag dam location. Mr. Crouch discussed briefly. Ron Stead asked and was told that MADOT has a contract with a maintenance contractor that will do the work. Tony Cameron asked how pond will be protected from any contaminate that may leak from equipment. Mr. Crouch said equipment will be inspected prior to going out into pond. When questioned, Mr. Crouch said he was unsure if vegetable oil, instead of petroleum, could be used as hydraulic oil in equipment. Audience discussion ensued.

Jeff Gardner of 26 Lake Street, member of Dorothy Pond Restoration Committee (DPRC), commented that he would like the state (MADOT) to specify future drainage improvements. Jude Cristo of 2 Cristo Lane told a history of the pond from 50-60 years ago until present time, explaining pond isn't as usable as it was years ago. One cannot get under the (Wheelock Ave.) bridge any longer to access the rest of the pond from the cove area. Thus, Mr. Cristo suggests the scope of the project needs to be greater. Jeff Gardner discussed an IEP study of the pond that was done for in 1980. He explained a component of that study addressed dredging and said area indicated in need of restoration was considerably more than what is now being proposed by MADOT. Mr. Clougherty said the state is trying to upgrade drainage systems in other areas & hopes to do similar upgrades here in the future. Chairman Flynn said he'd like to take this as an opportunity to press forward to ask state to upgrade drainage infiltration systems, suggesting a letter be sent to District Highway Director Jonathan Gulliver. Ron Stead suggested the issue of the Wheelock Ave. (siltation) 'choke' point be included in this project. Mr. Clougherty responded explaining that issue would be part of a larger watershed project requiring more funding. He said funding right now allows for this proposal – dredging of the cove area. Paul DiCicco commented that work proposed in this NOI doesn't address enough of the ongoing problem in this pond. Chairman Flynn questioned the turbidity procedure as

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stated in the NOI, commenting that the means & methods are ambiguous. He was told that monitoring will be done by MADOT. Jude Cristo questioned why abutters weren't notified & was told because Dept. of Transportation is exempt from that requirement of the law (MGL c131, s40). He said he thinks someone should've notified abutters, regardless. Marie Cafferty of 42 Hayward Lane raised concern about the pipe (bypass structure) proposed during the operation; will concentrated sediments come through & where will they be deposited. Jeff Gardner commented, though enthusiastic about the dredging opportunity, he's discouraged about scope of the operation & lack of any proposed corrective measures. Mr. Gardner asked if the state could consider more funding be allotted and a larger scope project be proposed. Audience members asked if the Town could do anything. Town Manager Bob Spain said the Town would have to go through the same process to do the same work. Mr. Clougherty suggested the Conservation Commission could approach the District Highway Supervisor to request additional review. Gene Crouch submitted the file number for this NOI which the Con Com had not yet received from DEP.

Ron Stead motioned to close the hearing; seconded by Paul DiCicco.

Tony Cameron suggested a continuance; Mathew Ashmankas concurred.

Ron Stead withdrew motion to close; Paul DiCicco withdrew his second to Ron Stead's previous motion.

Applicant suggested a continuance pending a request from DPRC to the state to consider a larger scope project.

Ron Stead motioned for continuance of the Notice of Intent to 7:15 P.M.,

February 6, 2013 pending a reply from the state; seconded by Mathew Ashmankas; voted unanimously.

NATIONAL GRID
OOC #224-696

Paul Knapik of BSC Group appeared before the Commission this evening to discuss the Order of Conditions issued to National Grid with regards to their proposed Interstate Reliability Project. He explained, upon review of the OOC, it was noticed that the sequencing relative to erosion control installation, as proposed by the applicant in the NOI narrative & associated plans, conflicts with that of the special orders (#23 & #29) added by the Conservation Commission (CC). Thus, Mr. Knapik was present to address and discuss how to resolve the discrepancy. Following a short discussion, the board determined that the OOC be administratively corrected so as to reference the applicant's plans.

HURLEY/
FITZGERALD
CERTIFICATE OF
COMPLIANCE

The Conservation Commission was notified by Joseph Hurley & Kathleen Fitzgerald that work at 5 Auburn Road is done, per OOC# 224-380 issued to William & Susan Leary, and requested a Certificate of Compliance. A Certificate of Compliance was approved and issued.

AGGREGATE
CERTIFICATE OF
COMPLIANCE

The Conservation Commission was notified by Aggregate Industries that work at 71 Providence St. is done, per OOC# 224-592, and requested a Certificate of Compliance. A Certificate of Compliance was approved and issued.


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Ron Stead motioned to adjourn the meeting at 10:15 p.m.; seconded by Paul DiCicco; voted unanimously.

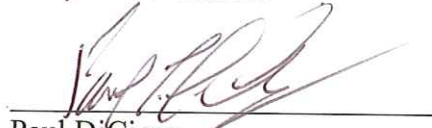
Respectfully submitted,

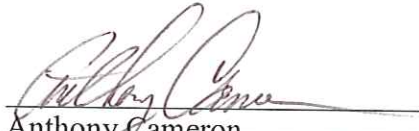

Andrea Paquette
Secretary


Donald Flynn


Mathew Ashmankas


Ron Stead


Paul DiCicco


Anthony Cameron