

MINUTES

Millbury Conservation Commission

Date: June 6, 2012

Time: 7:00 PM

Present: Donald Flynn, Ron Stead, Dave Palleiko, Dave Boudreau

Absent: None

MINUTES Ron Stead motioned to accept the minutes of the April 25, 2012 meeting;
seconded by Dave Palleiko; voted unanimously.

Ron Stead motioned to accept the minutes of the May 2, 2012 meeting;
seconded by Dave Boudreau; voted unanimously.

VOUCHERS Expense vouchers were approved and signed

7:15 P.M. Keith Gasco
GASCO Notice of Intent

PUBLIC HEARING Sullivan Place
Chairman Donald Flynn read legal ad.

Document used:

- Notice of Intent Plan at Sullivan Place

Raouf Mankaryous of Alpha Omega Engineering Inc. was present on behalf of applicant to propose construction of a new house with associated grading and driveway with an intermittent stream crossing. The board reviewed and discussed proposal. Dave Palleiko asked for an existing conditions plan, but representative did not have one. Dave Palleiko asked about material to brought in, as he noticed plan proposes a large amount of fill. Mr. Mankaryous said several hundred yards of fill will be trucked in. He explained a 3 ft. high, 10 ft. wide box culvert is proposed & will be adequate for large trucks. Proposing 9 sq. ft. of wetland fill for culvert. Replication proposed. Chairman Flynn asked if culvert design meets the openness criteria set by the state and representative said it did. Dave Palleiko asked about utilities, noting no utility plan is included in proposal. Mr. Mankaryous said they will have to pipe jack under the stream for utilities. Dave Palleiko explained to Mr. Mankaryous that because the receiving pit & jacking pit are proposed in a wetland buffer zone (BZ) he will need to file a Notice of Intent for that work, as that information is not included on this plan that's been submitted.

Before taking public comments, Chairman Flynn explained to audience members the charge of the Conservation Commission, asking discussion be limited to this evening's proposal. William Condon of 19 Sullivan Place said for years he's had trouble with flooding from the stream that's being crossed. He said no one cleans the stream to avoid blockage. He said he has cleaned the stream in the past to avoid water backing up and is concerned the changes in that area will add to the back-up problems. Mr. Conlon also voiced concern about ledge in the area & possible adverse results to his house from any blasting. Denise Sliwoski of 28 Sullivan Place also voiced concern about blasting. Mr. Mankaryous said abutters will be notified if blasting is proposed. Lawrence Parker of 41 Sullivan Place stated concern for public safety because location is a blind area in the road. Chairman Flynn advised that this is not a Conservation Commission issue.

Dave Palleiko noted comment indicated on plan stating, footings "to be designed by others", and advised the Commission will need that information to issue their Order of Conditions. The board determined that there is more work that will have to be accomplished in the resource area than that indicated on the plan submitted. Ron Stead

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suggested a continuance pending receipt of additional necessary information. Applicant's representative agreed to continuance.

Dave Boudreau motioned for continuance of the Notice of Intent to 7:15 P.M., June 20, 2012; seconded by Ron Stead; voted unanimously.

7:30 P.M. Mario & Gianni Romeo
ROMEIO Notice of Intent
PUBLIC HEARING 22 West Street
Chairman Donald Flynn read legal ad.

Document used:

- *Proposed Site Plan Felter's Mill*

- *Stormwater Hydrology Report*

Jeff Howland of JH Engineering Group LLC was present on behalf of applicant regarding work proposed to convert a portion of the former Felter's Mill to commercial space and construct a paved parking lot. Upon review of proof of abutter notification, Clerk Dave Palleiko noticed an error had been made in one abutter mailing, thus the board advised they would have to continue the hearing. Applicant's representative agreed. Before continuing, Mr. Howland proposed that he could join any member(s) interested in a site walk.

Ron Stead motioned for continuance of the Notice of Intent to 7:30 P.M., June 20, 2012; seconded by Dave Boudreau; voted unanimously.

8:00 P.M. Matthew Moore
MOORE Notice of Intent
PUBLIC HEARING 31 West Main Street
Chairman Donald Flynn read legal ad.

Applicant was present. Chairman Flynn noted that DEP had not yet issued a file number, thus the hearing would have to be continued, however the matter could be discussed at this time. The applicant was previously served an Enforcement Order for violating the Wetlands Protection Act by filling a wetland and wetland BZ without a permit. Mr. Moore contended this evening that he didn't fill anything, he only cut down a tree. He said he did have an excavator on site & used it only to clean-up and remove the tree. Chairman Flynn explained that Phil Nadeau of MA DEP contacted him, asking Donald to follow-up on a violation complaint received in the Worcester DEP office by a Millbury resident. Donald said he visited the site and determined from soil samples & observation of wetland indicator plant species that the area filled is a wetland and will require wetland restoration. Mr. Moore said he is simply trying to clean his property which was formerly the site of a greenhouse. Abutters from L J Faron Circle raised concerns about inadvertent flooding of their properties as a result of the work Mr. Moore did. Tom Boyda of 6 L J Faron Circle said that Mr. Moore did do a lot of work at his property and filled in so much that he's concerned where the water will now go. Kenneth Robert of 4 L J Faron Circle submitted recent photographs to the Cons Com explaining he did observe Mr. Moore use an excavator and move a lot of fill on his property. He's concerned the work will exasperate

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existing flooding issues in that area. Vice Chairman Ron Stead suggested applicant pull back some of that soil he moved. Members discussed visiting the site and instructed Mr. Moore not to do anything else at this time. Applicant agreed to a continuance pending receipt of a DEP file number.

Dave Palleiko motioned for continuance of the Notice of Intent to 8:00 P.M., June 20, 2012; seconded by Dave Boudreau; voted unanimously.

8:15 P.M.
KOLIFRATH
PUBLIC MEETING

Michael & Carla Kolifrath
Request for Determination of Applicability
17 Lt. Wm. S. Haynes II Memorial Dr.
Chairman Donald Flynn read the legal ad.

Carla Kolifrath was present to explain proposal to construct a 28ft. round, above-ground pool within 100' BZ to wetlands. Regarding existing site conditions, she explained site is quite level, minimal scraping of ground may be necessary to level area for pool. Project should take one day.

The board agreed a filing of a Notice of Intent (NOI) is not required.
A Negative Determination will be issued.

8:30 P.M.
NAT'L GRID
PUBLIC MEETING

Massachusetts Electric Co. d/b/a National Grid
Request for Determination of Applicability
6 Latti Farm Rd.
Chairman Donald Flynn read the legal ad.

David Cowell of BSC Group was present on behalf of applicant to propose installation of an electric conduit within a public roadway to service a new commercial development. He explained the work to install 30 feet of underground electric conduit below Latti Farm Rd. will be confined to existing paved roadway & shoulder and should occur in less than 24 hrs. Project is located within 100 BZ to Bordering Vegetated Wetlands (BVW) & Inland Bank of nearby pond. Erosion controls proposed. He explained, small excavator will be used to dig trench 5' deep, conduit will be installed, trench backfilled & area re-paved to existing grade. Dewatering is not anticipated. Not area of rare habitat. Work will not result in any new impervious surface area. The board reviewed proposal.

The board agreed a filing of a Notice of Intent (NOI) is not required.
A Negative Determination will be issued.

INTERVIEWS

Current board members spoke with the following gentlemen interested in serving on the Conservation Commission: Mathew Ashmankas of 5 Millbury Terrace, Steve Kosiba of 32 Sutton Road and Paul DiCicco of 1 Bella Rosa Drive. They discussed the charge of the Commission and member responsibilities. Misters Ashmankas, Kosiba and DiCicco each talked briefly about why they are interested in serving on the board.

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**HJORT
CERTIFICATE OF
COMPLIANCE** The Conservation Commission was notified by Bruce & Michelle Hjort that work at 12 Sunset Drive is done per OOC# 224-675 and requested a Certificate of Compliance. A Certificate of Compliance was approved and issued.

**EXTENSION
PERMIT /
ARSHADI** In a letter dated June 1, 2012 the Commission received a request for extension of OOC# 224-513 issued to Mahmood Soheili Arshadi for work at 192 Millbury Avenue. Ron Stead motioned to extend the OOC for three years; seconded by Dave Boudreau; voted unanimously. An Extension Permit will be issued.

**INFORMATIONAL
ITEMS** The Conservation Commission received a 21 Day Notice of Spraying regarding the application of herbicides along MassDOT right-of-ways.

The Conservation Commission received a copy of a plan from the Planning Board regarding Fidelity Bank branch proposed on South Main St., for review and comment.

The Conservation Commission received a copy of a plan from the Planning Board regarding modifications to the Sprint Wireless Communications Facility at 428 Greenwood St., for review and comment.

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

Respectfully submitted,

Andrea Paquette
Secretary

Donald Flynn

Dave Palleiko

Ron Stead

Dave Boudreau