

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Time: 7:00 PM

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

Absent:

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

7:00 P.M.

MENAHAM BEN Menaham Ben Bichotte
BICHOTTE Notice of Intent - Continuance
PUBLIC HEARING 1499 Grafton Road

Chairman Flynn opened the public hearing for installation of a retaining wall and landscaping. Chairman Flynn visited the residence where the homeowner had done some landscaping and yardwork that was impacting the intermittent stream by the house. While dealing with water coming off his property, the homeowner had done some filling of an area adjacent to the stream. Chairman Flynn asked the homeowner to explain the plan he has developed to address this situation.

Mr. Bichotte explained that there has been an erosion issue for approximately eleven years due to water coming from the Massachusetts Turnpike and paved areas behind his home. The water is flowing to his property and he has noticed fallen trees due to the erosion issues. Mr. Bichotte had raised an area near the wetland not realizing the process to file with Conservation. He had planted some grass in an effort to address the erosion, however that washed away. After the visit with the Chairman, Mr. Bichotte had spoken with a landscaper that suggested that he build a retaining wall with proper drainage to address the situation.

Chairman Flynn interrupted the hearing as the Commissioners were unable to verify all abutters were notified as the Commission did not receive receipts of notification. Chairman Flynn suggested that Mr. Bichotte could hand deliver the notice to the abutters and sign off and let them know that there is a plan in the office for review. The Commission is unable to take action on this and would need to have a continuance. Mr. Bichotte said he would send a letter certified mail and provide receipts of notification to the Commission.

Chairman Flynn read the comments that were provided from MA Department of Environmental Protection (DEP) when providing the MA DEP transmittal number for the project, and provided further guidance to Mr. Bichotte based on the DEP comments. Mr. Bichotte had received a copy of the comments. It was recommended that Mr. Bichotte have his landscaper provide additional details on the proposed wall and other landscaping. Mat Ashmankas suggested that Mr. Bichotte include the date and time of the continuance as there will not be any other type of notification to the abutters.

Anthony Cameron made a motion to continue the hearing to June 17, 2015 at 8:30 PM; seconded by Mat Ashmankas; voted unanimously.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

7:15 P.M. Mass. Dept. of Transportation – Highway Division
MA DOT Notice of Intent - Continuance
PUBLIC HEARING Massachusetts Turnpike (I-90)

Chairman Flynn opened the public hearing. The Commission received notice from the applicant asking for a continuance to June 17, 2015.

Mat Ashmankas made a motion to continue the hearing to June 17, 2015 at 8:15 PM; seconded by Ron Stead; voted unanimously.

Vice-Chairman Stead informed the Commissioners that he participated in a site visit with the DPW Director and MA DOT and that additional information will be presented based on that visit. Chairman Flynn thanked Ron for attending.

131 WESTBORO ROAD INFORMAL MEETING

Brendan Gove, President & CEO of Zero Point Engineering, Inc. was present to provide a high level overview of a proposed 647 KW DC solar array to be installed on an industrial zone lot on Westboro Road. Mr. Gove will be providing a site plan that will be submitted. The original plan was to access the array from Westboro Road. After flagging the wetlands there was substantially more wetlands than anticipated so the design changed. The power for the array will come off Westboro Road but will be brought down an existing utility easement. The work in question is that Mr. Gove's intention is to test the feasibility of the array by checking soil corrosivity. The type of soil will dictate the type of finish placed on the array. No soil testing has been done at this time. Mr. Gove has been working with the building inspector with regard to zoning issues, etc.

Chairman Flynn inquired as to any work that is being done in the wetland such as cutting trees. Mr. Gove stated in order to get the equipment on site, an access path was built. That is the activity in question.

Chairman Flynn reviewed a slide of the plan and noted that the wetland flagging has been completed. Mr. Gove said flagging was done by New England Environmental. Chairman Flynn stated that work is in the buffer zone, however he does not have an issue with that. Ron Stead went to the site following up to a concern. It appeared that the machine went on the abutting homeowner's property.

Mr. Gove stated access was based on a professional survey, however he has had communication with the homeowner at 16 Flint Pont Road and if it is determined that there was some damage, Mr. Gove would take care of it. Ron Stead noted that the Commission wants to make sure that they do not go on someone else's property. Other than that, the issue is between Mr. Gove and the homeowner.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Mat Ashmankas asked what impact is the array in the flood zone. Mr. Gove, they are not within the 100 year flood zone. Discussion followed as to the location of the intermittent stream. Ron Stead recommended that Mr. Gove also flag the intermittent stream.

Chairman Flynn asked if anyone had any comments. Enzo Simmarano of 16 Flint Pond came forward and stated that he is the homeowner that the backhoe crossed over his property. Chairman Flynn asked if the issue is crossing his property or if has to do with wetlands. Mr. Simmarano stated wetlands.

Chairman Flynn informed Mr. Simmarano that soil testing is allowed as part of a preliminary design in the buffer zone. If work is within one hundred feet, Chairman Flynn does not have an issue with it. Soil testing and drilling is work that is allowed.

Mr. Simmarano said he visited the assessor's office and the property belongs to someone else. Mr. Simmarano stated there was an area that was filled in approximately eight years ago. Mr. Simmarano was questioning ownership of the land. Chairman Flynn said it may be an issue but it is not something the Commission can address. This is not a wetland issue from what is being presented. There was general discussion about ownership of the property. The Commissioners said ownership is not something they can address, it may be an attorney issue, assessors or planning. Mr. Simmarano stated many years ago when the MBTA went in, there was a different map that was brought forward that did not show the wetlands. Mr. Simmarano stated there are a lot of wetlands in the area. Chairman Flynn agrees there are a lot of wetlands on the plan provided. Chairman Flynn has no basis to challenge it other than doing a site walk to ensure there are flags there. Mr. Gove stated the area is flagged with blue flags.

Mr. Etre gave permission for members of the Commission to access the property, however he will not allow Mr. Simmarano to go on the property. Chairman Flynn will conduct a site visit and get back to Mr. Simmarano if he sees any issues. As this is an informal meeting, the Commissioners do not believe they are in a position to say anything else on this matter.

Paul DiCicco arrived at the meeting and Chairman Flynn explained to him that the owner gave permission to enter the property and the Commission will take a copy of a preliminary plan that has wetland flags identified.

Mr. Simmarano asked if the Commissioners would be stopping work on the site. Mr. Flynn said he has no basis to stop work as he has not been able to verify the flagging yet. If there is a land issue, trespassing, the Commission cannot help Mr. Simmarano. Any issues under the Commission's jurisdiction, the Commission can curtail activities and take appropriate action with regard to enforcement as needed. The Wetland Protection Act does allow soil sampling and testing to go on. Mr. Simmarano questioned the equipment tearing up the wetlands. Chairman Flynn said the Commission tries to work against such big activities, but sometimes it is considered a temporary activity, however, he would not like to see it.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

7:45P.M.
TOWN OF
MILLBURY DPW
PUBLIC HEARING

Town of Millbury - Department of Public Works
Notice of Intent - Continuance
Dolan Road – Ramshorn Pond Dam

Chairman Flynn opened the public hearing for a continuance for repairs and improvements to Ramshorn Pond Dam.

Chairman Flynn stated there were issues that were under contention such as: necessity or design involved with the sheet pile wall and proximity of the fill; amount of land under water that will be covered by the project; replication; public access issue and relevancy of public access; and potential detriment to the pond they may cause. They never got into means and methods. Chairman Flynn had difficulty understanding where the existing rip rap stone is and being able to differentiate where additional stone may need to be installed to support the sheet pile wall. Chairman Flynn is not sure to what extent the Commission has the level of expertise to determine most cost effective solution for this. It is up to the DPW Director working along with engineering firms to design. We try to deal with the plan presented before us and try to encourage design changes.

Rob McNeil, DPW Director plans to address concerns specifically; a detailed plan has been established to help highlight where specific impacts are proposed; design for slope improvements and seepage issues that the sheet pile wall resolves; replication area at Jacques Park.

Allen Orsi, project engineer from Pare Corp. for design and permitting, along with Lauren Hastings, professional wetland scientist provided additional details of the plan.

One of the issues previously raised was the discrepancy of land under water. The ENF filing stated approximately 8,300 square feet, however the Notice of Intent stated approximately 4,500 square feet. Mr. Orsi provided a graphic with color coding identifying the impacts including permanent and temporary land under water impacts. The difference is due to how the slope upstream of the proposed wall was being treated. Early on in the design stone was going to be taken from the top of the slope upgradient from where the wall was going to limit land under water impacts. That approach was abandoned. The proposed approach is to leave the stone downgradient and take the stone upgradient and remove and dispose offsite or break it up and use it for scour protection. General discussion took place on stone placement on the plan.

Mat Ashmankas asked where the canoe launch is. Mat asked if the parking is eliminated, what do you do for land under water. Mr. Orsi inquired if Mr. Ashmankas meant eliminating the wall. Mr. Orsi stated if the wall was eliminated; you need to stabilize upstream slope and need to address seepage and the permanent impacts would be greater. Chairman Flynn asked Mr. Orsi if they can you reposition the wall and move it closer to the road. Mr. Orsi stated they cannot move the wall back due to the slope stability factor.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Chairman Flynn was not familiar with the vinyl sheet pile wall. Mr. Orsi explained the process of installing the wall. Chairman Flynn asked if Mr. Orsi has had success with this approach. Mr. Orsi has coordinated with many manufacturers and all borings suggest conditions that will allow for installation. Mr. Orsi has had experience of this installation at another dam site that was successfully constructed. Engineers pointed out the sheet pile walls on the plan for clarification purposes.

Mr. McNeil clarified why there are 2 sections of the sheet pile wall. The primary sheet pile wall is to address concerns of the position of the wall for stabilization of the upstream slope as well as seepage. The secondary wall was going to be concrete or some other type as seepage was not the issue. That type of wall was unappealing to the eye therefore vinyl was the material chosen. In addition, the concrete wall may have allowed children to climb on it therefore for safety reasons, the vinyl sheet pile wall would discourage such activity.

Mr. Orsi also pointed out at the last hearing, there was some discussion of the proper pool elevation on the Pond. Mr. Orsi worked with the Ramshorn Association to come up with the proper level which is 630.4 as the flash board in the spillway was unreliable.

Discussion on public access at the pond began. Inadvertent introduction of invasive plant species, algae, into the pond is a concern. Commissioners need to decide and/or condition if they can or need to meet a performance standard in that matter. The Commissioners have received letters from residents expressing concern, however the Commission needs to find a balance with this issue. It is Chairman Flynn's understanding that neither the Towns of Millbury nor Sutton own property for public access.

Chairman Flynn opened up the hearing to the floor. Dr. Ken Wagner spoke on behalf of the Lake Association. Dr. Wagner asked what the permanent square footage of land under water is lost by placement of the sheet pile. Total loss is 2,340 square feet upstream. Dr. Wagner stated the loss of land under water presumably to fix the dam. Mr. Wagner questioned if this proposal was made to repair the dam or is the decision based on creating space for public access. Mr. McNeil said early on into conceptual design the issues to be addressed were as follows: slope stabilization as well as seepage; under design of the emergency spillway; low level inlet structure; pipe through the dam under pressure; providing public access due the Great Pond status. The sheet pile wall achieves the goals of seepage, slope stabilization and providing a shoulder for the ramp for public access. This solution is the minimal impacts of land under water. If there is no sheet pile wall; there would be a blanket slope that is much flatter which would have substantially greater impacts to land under water in the tens of thousands; there would be a need to dewater; substantial cost to water quality and the fishery; and this would likely not be a permissible approach.

Mr. McNeil further stated that the downstream side is an isolated wetland pocket that would not be a wetland if the dam wasn't failing. The repair would eliminate future erosion. Mr. McNeil incorporated design goals and outside input prior to proposing this design.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Dr. Wagner questioned if this a Great Pond and the impacts to land under water. Mr. Orsi provided a rough sketch and further explanation. General discussion followed about the justification of the sheet pile wall. Dr. Wagner hasn't seen any biological analysis. Dr. Wagner has not seen an alternatives analysis. Chairman Flynn stated there was justification of the sheet pile wall given. Chairman Flynn inquired about the slope stability issue and inquired about the applicability of the vinyl wall in this circumstance and Chairman Flynn can understand the arrival of the existing solution. Dr. Wagner initiated discussion about a letter from GZA. Chairman Flynn stated there was a letter from GZA challenging the analysis of the toe drain design the utilization of a vinyl wall. Chairman Flynn stated that the engineers provided the means and methods for achieving this and Chairman Flynn is willing to accept the explanation given.

Dr. Wagner has a concern of the introduction of invasive species. Chairman Flynn is aware of this issue and the Commissioners will review the Orders of Conditions and make sure the Lake Association is properly posting, and going through the means necessary of treating aquatic ponds and review their reports. Dr. Wagner suggested controls such as monitors posted and boat washing stations. There is also a self-certification program. The costs associated with treating invasive species is costly and opening up the pond to public access is an invitation to invasive species. Dr. Wagner stated that lack of public access has probably saved the lake.

Dr. Wagner further inquired the elevation of Ramshorn. Mr. McNeil stated the boards were removed earlier in the Spring. The water is running over the spillway but they do not have control over it. Mr. McNeil sought input on the elevation and the pool elevation is 630.4 which is approximately six inches below the boards when they are in place. Dr. Wagner stated that he has received information at this hearing, however the Lake Association has the right to appeal.

Chairman Flynn initiated discussion about the replication area. Ms. Hastings stated the replication area is at Jacques Park off West Main Street which is in the same watershed. There's an existing basketball court which is no longer in use. There will be minimal removal of vegetation. Shrubs and trees will be planted to create a forested wetland with shrub base. Chairman Flynn asked why this area for replication. Ms. Hastings stated there was nothing available on the project site and this area is the closest Town owned property in the same watershed.

Mr. DiCicco inquired about a major mosquito population in this area and if the replication in this wetland area will add to that population. Mr. McNeil further explained that additional work will take place at this site. The DPW will be replacing two cross culverts in various stages of collapse. This will result in unimpeded passage for animals, greater flow, less ponding with less mosquito habitat. This is only a small area of 8000 square feet. Onsite mitigation was not available, therefore the Town owned property was the best opportunity.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Anthony Cameron asked if there would be roadway improvements to the park. Chairman Flynn believed that was a preliminary plan. Mr. McNeil received some funding that was used towards wetland delineation and a topographical survey to understand what was there for a public resource. Mr. McNeil has reviewed this area for potential plans for public use. There is some additional degraded wetland in the area that could be used in the future. MA DEP was asked if that work could be done and have some sort of credit system, however, there is not a program in place currently to do that. Mr. McNeil continues to work with DEP on items such as this.

Chairman Flynn reviewing letter dated May 20, 2015 from DEP to Mr. McNeil. Please provide details of the temporary impacts to these resources. Mr. Orsi spoke on this subject. Stone rip rap will not be disturbed, areas disturbed will be returned to their original state. Temporary impacts downstream are within the limits of work and were considered as part of the scope of work.

Mat Ashmankas asked what the time frame is for the project and what the pool level will be when work is being done. Mr. McNeil, working with the Lake Association, was looking to limit the recreational use to one boating season. His intent is to put the project out to bid in the Fall timeframe, begin Fall 2015 corresponding with the annual drawdown. He expects the contractor to maintain the pool as high as the threshold that is appropriate for the level of construction. A portable dam structure would be in place to accommodate fish habitat during construction as well as maintain an adequate pool. The contractor would provide the plan.

Mat Ashmankas asked if work would go through the winter and inquired about a cofferdam. Mr. McNeil stated the contractor is responsible for the method used. One method is that portable dams could be used, overlaid with a membrane, secured with sand bags that you can drain behind. Discussion followed about jurisdiction over means and methods the contractor uses. Mr. McNeil suggested that it is appropriate to address minimal pool elevations able to support aquatic habitat and fish habitat, but cautioned limiting the type of means or methods a contractor could use.

Ron Stead inquired who inspects the project other than the mitigation, etc. Mr. McNeil said it is the Town's responsibility that the contractor executes the project properly in conjunction with the permits in place. There will be a full time resident engineer on site, wetland staff will review wetland areas through the certificate of compliance with Conservation.

Paul DiCicco inquired about the final number of parking spaces on the plan. Mr. McNeil stated there is one handicap space, three other spaces and one space for municipal staff to use in order to service the gate house.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

Cathy Crewe of 33 Ramshorn Road and President of the Ramshorn Pond Association came forward. Ms. Crewe's major concern is the weed invasion introduced by putting the boats and canoes in potentially carrying milfoil. She further stated, the Association has educated residents on the lake and have been able to control not getting the weeds. They encouraged washing down boats, etc. Ms. Crewe is not against public access, but rather keeping weeds out of the lake. The Association has always been about conservation and that is the major goal.

Ms. Crewe also pointed to the MEPA meeting where it was stated the land under water is 8,260 square feet. They were told that the sheet pile wall is going to be out 12' from the road. That is all land under water per Ms. Crewe. Ms. Crewe asked the Commission to do the best to keep the weeds out of the lake. There is a lot of money being spent to de-weed lakes with chemicals.

Mr. McNeil restated that 2,340 square feet is land under waterbody. The 8,260 was from the MEPA review meeting but that came from the earlier ENF filing. The correct impact is 2,340 square feet.

Pat McElliott of 27 Dolan Road was looking for clarification on the color coded diagram on the display, specifically a dark blue section that represented land under waterbody. Mr. McNeil provided further description and details of the project and structures.

Anthony Cameron wanted to confirm that the new level of the pond will be 630.4 which is currently 636.4. Does that specifically change the land under water because of the bank of the pond. Mr. Orsi stated based on their information and coordination with the Lake Association, the level is 630.4. Anthony Cameron stated that is the normal elevation based on current seepage. Mr. McNeil stated that is correct based on the best information that they have been able to obtain.

Mat Ashmankas asked if there is somewhere on the plan for a maximum capacity/height. Mr. Orsi stated this a high hazard dam and the top of the dam is designed for just over 636.0 feet.

Ron Stead made a motion to close the hearing; seconded by Paul DiCicco; voted unanimously.

An Order of Conditions will be issued and conditioned accordingly.

OLD BUSINESS:

Summer Schedule

Ron Stead suggested tentative summer schedule for meetings to be July 15, 2015 and August 12, 2015.

MINUTES

Millbury Conservation Commission

Date: June 03, 2015

NEW BUSINESS:

GLENN PILAT
CERTIFICATE OF
COMPLIANCE

The Conservation Commission received a request for a Certificate of Compliance for work done per OOC# 224-610 at 20 Braney Road, Millbury.

Ron Stead conducted a site visit for a proposed 12' x 12' shed at 20 Braney Road which did not include any digging. While he was on site, it was brought to his attention that the Certificate of Compliance was never done per OOC#224-610 for a 28'x 32' garage. Ron Stead stated work was completed properly and recommends that the Certificate of Compliance be issued.

A Certificate of Compliance was approved and issued.

8:30 P.M.

NICK GRANDE
PUBLIC HEARING

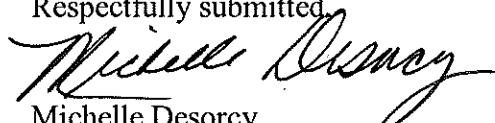
Nick Grande
Notice of Intent - Continuance
McCracken Road – Assessors Map 34 Lot 30

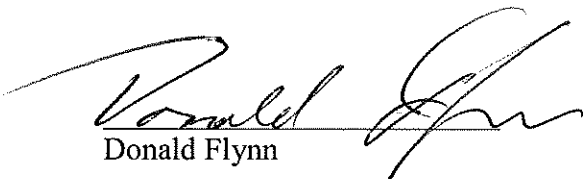
Chairman Flynn opened the public hearing for construction of a single family dwelling with septic system and associated work. Patrick Burke, representative for Nick Grande requested a continuance to June 17, 2015.

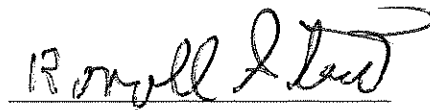
Ron Stead made a motion to continue the hearing to June 17, 2015 at 8:45 PM; seconded by Anthony Cameron; voted unanimously.

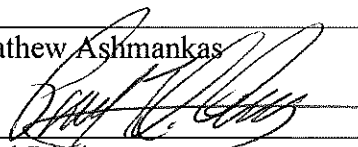
Ron Stead motioned to adjourn the meeting at 9:25 p.m.; seconded by Anthony Cameron; voted unanimously.

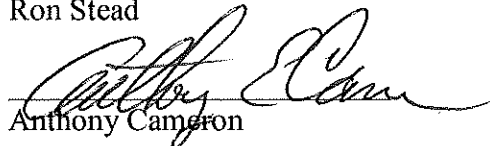
Respectfully submitted,


Michelle Desorcy
Secretary


Donald Flynn


Ron Stead

Mathew Ashmankas

Paul DiCicco


Anthony Cameron

CONSERVATION COMMISSION



*A Better World
Through Conservation*

June 03, 2015

Agenda

- 7:00 P.M. Mail, Minutes, Vouchers
- 7:00 P.M. Menaham Ben Bichotte
Notice of Intent - Continuance
1499 Grafton Road - installation of a retaining wall and landscaping
- 7:15 P.M. Mass. Dept. of Transportation - Highway Division
Notice of Intent - Continuance
Massachusetts Turnpike (I-90) - Interstate maintenance and related work
including stormwater management upgrades
- 7:45 P.M. Town of Millbury - Department of Public Works
Notice of Intent - Continuance
Dolan Road - repairs and improvements to Ramshorn Pond Dam
- 8:30 P.M. Nick Grande
Notice of Intent - Continuance
McCracken Road - Assessors Map 34 Lot 30 construction of a single family
dwelling with associated septic system, driveway, grading
and utilities

15 MAY 29 AM 9:10
TOWN OF MILLBURY

OLD BUSINESS:

Summer Schedule

NEW BUSINESS:-

Glenn Pilat Request for Certificate of Compliance Re: OOC #224-610
Site: 20 Braney Road
Work: Construction of a 28' x 32' garage

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

