

# MINUTES

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## Millbury Conservation Commission

Date: July 12, 2023

Time: 6:30pm

Present: Ron Stead, Jeffrey Raymond, Christopher Weagle, Paul DiCicco

Conservation Agent: Don Flynn

Call to Order: 6:30pm

### New Business:

#### 1) Notice of Intent: Alstead Path & Sutton St.

James Tetreault from Azimuth Land Design, LLC spoke on behalf of the project's proponent for Construction of a single-family home with parking. Goddard Consulting flagged vegetated wetlands on the north which receives drainage off the Mass Pike and the southeast end of the property, and an isolated land subject to flooding (ILSF) easterly part of the property. There is no river front area and no perennial streams, no Priority or Endangered Species Habitat on the site, so no complications.

Jeremy Piscitelli of 2 Sutton St. and owner of lot 1 on Alstead Path spoke. Mr. Piscitelli is concerned with the runoff; they already have water in the basement, and they don't want any runoff from the project. James Tetreault said they are trying not to send any water to Alstead Path. Mr. Piscitelli asked about the road and will the project be upgrading the road or just 50 feet of Alstead Path. Mr. Piscitelli also asked (and what) about the Brook crossing the road and about any planned Culverts. Street issues will be brought in front of the Planning Board. Sandra Piscitelli of 3 Sutton St. also spoke regarding her concerns about the runoff water. Mr. Tetreault summarized the project stating in effect that the project will only upgrade Alstead Path to provide access to the proposed driveway, that the plan did not include installing a culvert for the wetland crossing Alstead Path. Agent Flynn stated he had sent a plan to the Town Engineer, Mark Hollis who then requested the Commission to require the developer to submit a sewerage connection plan with elevations to him for review. The board told James Tetreault that they will have to come back to them with a new plan that shows drainage details.

Jeffery Raymond motioned to continue to the next meeting, August 9, Christopher Weagle seconded, all in favor. Unanimous vote.

### Other Business.

- 1) Certificate of Compliance request for 1 Ilyas Lane, formerly 126 Grafton St., Mr. Flynn spoke about inspecting the property, stating they have not installed the permanent Wetland signage, the gutters or down spouts intended to be connected to rain garden. Mr. Flynn recommended postponing action until the owner completes the requirements. Chairman Stead tabled the request pending follow-up by the agent. No action taken.
- 2) Lawrence Wheeler, 37 Carleton Rd. request for Extension for NOI DEP # 224-02727 for another 3 years. Discussion between the Commission and Mr. Wheeler about time needed to complete his project. The Commission agreed on an extension of 3-years, motion made by Paul Diccico, seconded by Jeffrey Raymond, all in favor, unanimous vote.
- 3) David Perkins, 33 Sutton Rd. Requested and is looking for signed Certificate of Compliance. Agent Flynn reported having inspected the property stating the signage, wetland flags were not in place, and questioned the planting of the rain garden. The Agent recommended postponing action until the owner can correct the items discussed.

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- 4) Informal discussion between Agent Flynn and the Commission regarding newly received Request for a Certificate of Compliance (COC) for 2 Beach Street. Agent Flynn summarized a discussion with the owner where he recommended that a new or revised proposal was offered to the Commission in the form of a new NOI with new Plans submitted, that the Commission might consider a COC decision as 'not completed'. Chairman Stead asked Agent Flynn about current conditions on the site. Agent Flynn responded that no more site work was being performed and that the site was stable. There was some discussion about complaints from the public to the Planning Board and the Selectmen concerning alleged violations of wetlands. Agent Flynn stated that the proponent did not fill wetlands but also did not follow the approved plans and filled directly up to the wetland boundary

Wetlands Bylaw's update- none  
Agents Update :

Agents Report: Millbury Conservation Commission 7-12-23 meeting

### Events of Importance.

- 1) MADEP Issued Stop Work/Enforcement order to McCracken Road Widening and Rotary Project for not compliance with Stormwater Orders. They have stopped work on aspects of the project relevant to Stormwater management infrastructure installation. The contractor also has not complied with the order to have environmental and Wetland oversight and thus we have not received the weekly reporting mandated.
- 2) Attended MADEP sponsored BVW delineation workshop in Westborough.
- 3) Due to oversight the Commission had to correct and reissue the OOC for 55 Sycamore street.

Site Visits:

### NOI ALSTEAD PATH. Inspection 7-11-23

Reviewed BVW report and markings in the field. Appear reasonable but that GL-119 and GL-120 could be moved 15-feet or so toward upland based on plant observation. Also, no GL1-6 pink flagging found, also not indicated on submitted plans. 2) No driveway or roadway work indicated on plans. Developer 3) Plan includes installation of Sewer from Sutton Road to proposed dwelling structure. 4) Probable vernal pool crosses property boundary to east/Donovan property; plan point 1-6? Recommend: 1) characterizing Probable Vernal pool and moving proposed northern infiltration system to west to maintain 100-ft clearance. 2) Obtain additional information of volume of fill to be imported. 3) Stockpiling instructions. 4) Street improvements & driveway work.

### COC- 1 Ilyas Lane, inspection Date 7-6-23

Agent performed inspection of site. Several items were not complete or not conforming to plans. The agent developed and sent correspondence that the following items need completion prior to a positive recommendation to issue a certificate of compliance.

- 1) Permanent signage identifying the rain gardens as regulated stormwater treatment systems.
- 2) Gutters and downspouts were not installed and piped to connect to the Rain Gardens.
- 3) The stone rip rap for the outfall of the 12-inch perforated pipe needs completion by returning the stone into the slope of the hill so it will not erode the hill by avoiding the stone. Stone needs to be added or re-placed.
- 4) "Protected Wetland" signs were not observed at Wetland Flag location WF-A1, WF-A2 WF-A3 (Special Orders #40 wetland flags 1, 2, and 3).

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Recommend postponing action.

### 33 Sutton Road, Dave Perkins Inspection Date 7-6-23

On July 6, 2023 this Conservation Agent performed a compliance inspection in response to receiving a Request for Certificate of Compliance.

The items listed below should be addressed prior to this agent making a recommendation for issuance of the Certificate of Compliance.

- 1) Permanent signage identifying the Wetlands Line as stated on OOC should be installed. Reestablish Wetland flags 7, 8, 9, and 10 until COC received as approved.
- 2) Treat/eradicate Japanese Knotweed on the property.
- 3) Establish Rain Garden as indicated on As Built plans.

A summary letter was sent to David Perkins who responded by meeting with the agent to clarify and obtain information on needed signage.

### 30 Shore Terrace, J. Prohaska; Site visit 7-11-23

On July 11, 2023 this Conservation Agent performed a compliance inspection in response to receiving a Request for Certificate of Compliance.

The property was stable with well-established lawn. However, the Agent observed that Japanese Knotweed was still growing. The agent telephone the owner to provide his observations and recommendations. The agent recommended attending the August meeting to discuss with the Commission.

### Project Start 201 W. main Street; Site Visited 7-6-23

House lot development. The agent observed and reported to the proponent that: 1) there was not yet a MADEP File number sign posted; 2) Wetland flags were not found; 3) existing straw waddles were deteriorated and need replacement; 4) Japanese knotweed growth on site was extensive and soil with roots need segregation & special handling so as not to transfer plants.

### Request for COC, 2 Beach Street, Brennan Salo received 7-11-23

Discussed COC request with owner's representative Dave Murphy citing non compliance with approved plan, that the OOC had expired in May, no alternative plan or plan amendment was received. Will likely recommend not issuing a COC. May issue Enforcement Order requiring compliance with approved plan prior to issuing COC.

Don Flynn, Agent

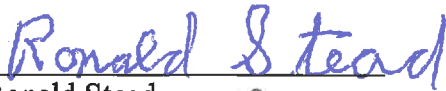
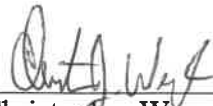
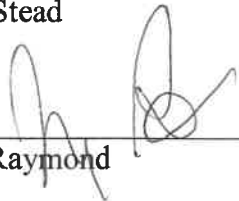
Respectfully submitted,

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## Millbury Conservation Commission

Christine Marden  
Secretary

  
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Ronald Stead  
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Christopher Weagle  
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Jeffrey Raymond

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Paul DiCicco