



Town of Wales Conservation Commission

3 Hollow Road, P.O. Box 834, Wales, MA 01081

Tel. (413) 245-7571 Ext. 108

conservation@townofwales.net



Meeting Minutes – February 17, 2022

Present: Robert Herbert (**Rob H.**) – *Chair*, Norma Thompson (**Norma T.**) – *Commission Member*, Hugh Brower (**Hugh B.**) – *Commission Member*, Jennifer Bothwell (**Jennifer B.**) – *Commission Member*, Sarah Ryan (**Sarah R.**) – *Clerk*

Public Present: *In Person:* Sandra Szlachetha, Vic Blahut, Bill Terry (Lake George Assoc.) James F. Martin (WOODS/SUNPIN), Mark Farrell (Old County Rd.), Andre Cormier Jr. (Old County Rd.)

Virtual Attendance: Dean Dickinson, Elizabeth Dickinson, Darlene Yiznitsky, Sam Dionne (Sunpin), Megan Woytik (Tighe & Bond), Margaret Washburn, Mike Wilkinson (WOOD), Stephen Herzog (WOOD), Bob Reidy (Lake George Assoc.), 2 Unknown Callers

Robert H. opens the public meeting at 6:03 PM.

New Business:

****Agenda item:** Lake George Association – OOC Extension

The commission discusses concerns that they have had regarding the hydro-raking conducted by residents. The commission was very pleased with the quick response from the Lake Association regarding the hydro-raking last year. The commission is requesting advanced notification prior to treatment of any herbicides. The commission is also requesting to see the DEP permits ahead of time, so the commission has the option to be on site when the distribution/treatment is taking place. The drawdowns would need to be done in conjunction with the lake management plan. Mr. Reidy states that they wish to only treat the lake if needed, but the goal is limited

The Lake George Association is not planning to make any changes to the previous 2015 Lake Management Plan, they plan to continue with the same specifications outlined in that plan. If something comes up that is outside of the scope of the plan, the commission can amend the Order of Conditions. Although this is an extension from the original order of conditions from 2016, it will still need to be recorded with the registry.

Motion 021622-01 by Hugh B. to extend the Order of Conditions for the Lake Management Plan for Lake George, based on the original Order of Conditions dated May 25, 2016, for an additional 3 years (extended to May 25, 2025), Seconded by Norma T. No discussion, all in favor.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y
	Jennifer Bothwell	Y

****Agenda item:** 7 Cordially Colony-Public Hearing Notice-Waterway Regulation/Registration of Dock

The board briefly discusses the public hearing notice that was filed with the commission. This was a requirement of the applicant for his Chapter 90 filing with DEP.

Old Business:

**** Agenda item:** 214/216 Union Rd. – update on letter response

Hugh B. updated the commission that Mr. Arabolos did in fact purchase those properties, he has every intention of working with the commission regarding the enforcement order placed on the properties.

Public Hearings-New/Continued:

**** Agenda item:** Utility Pole Work – Union Rd.- RDA

The commission reviews the application of an RDA from Tighe and Bond. The applicant explains that all work will be conducted from the roadway. The commission requests a condition that the stump remain intact for the tree removal that is required.

Motion 021622-02 by Hugh B. to close the public hearing (6:29 PM) for the RDA application from MA Electric Co. for utility pole work on Union Rd, Seconded by Norma T. No discussion, all in favor.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y
	Jennifer Bothwell	Y

Motion 021622-03 by Hugh B. to have a finding of a negative determination; reason #3, with proposed conditions that the stump from the tree should remain in place, Seconded by Norma T., no discussion, all in favor.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y
	Jennifer Bothwell	Y

**** Agenda item:** 30 Peck Rd. -Chapin Meadow Site – Norcross Wildlife Foundation-RDA

Rob H. opens the public hearing at 6:33 PM.

Neither the applicant nor a representative was present. The commission did not make a determination on this application. The commission did have some questions regarding the location of the work, herbicide treatment on several species. The commission has concerns of aerial spraying within the area of waterways due the potential negative effects on the herbicide can have on animals. The commission would like it confirmed that a representative will be present at our next meeting and follow up with the Town of Monson’s Conservation Commission, since the proposed work is on the Wales/Monson line.

Sandra Szlachetha was present and wanted to view plans. Ms. Szlachetha had questions about the treatment and location of treatment.

The commission continues the public hearing to March 3, 2022, at 6PM at the Wales Senior Center.

****Agenda Item:** 22 (LOT 11) – Old County Rd. - NOI

Robert H. opened the public hearing at 6:40 PM. **Hugh B.** stated that due to weather and unexpected personal reasons he was not able to follow up with a site visit of Lot 11. The last filing for Lot 11 submitted 12/23/21, was the last revision date. Some of those changes included flagging the leach field outside the 100-foot buffer zone, which the plans reflect. Mr. Farrell points out of that none of the work proposed takes place within a wetland resource area. Additionally, none of the proposed work will alter an area subject to protection. Leave strong vegetated buffer between work area and the wetland resource areas, straw waddles will surround the project area during construction to prevent erosion to wetlands. Additional clearing will take place outside of the buffer zone for the new placement of the leach field. The only proposed work within the buffer zone for Lot 11 would be grading for the leach field for the septic and the driveway apron area where gravel is proposed. The installation of the well within is within the 100-foot buffer zone.

The commission opens up for public comment. No public comments were made.

Motion 021722-04 by Hugh B. for the Notice of Intent for 22 Old County Rd. Lot 11 in Wales, with the following conditions:

-No additional clearing can go on within buffer zone, other than what is depicted on the plan dated December 23, 2021.

- Erosion and sediment controls must be placed and maintained for the duration of the work Lot 11.

Seconded by Norma T. No discussion, all in favor.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y
	Jennifer Bothwell	Abstains

Motion 021622-05 by Hugh B. to rescind the stop work order for Lot 11, Wales on Old County Rd., the order that was issued Dec.10, 2021, the applicant can proceed on the order of conditions approved this evening, Seconded by Norma T.

Discussion: stop work order is to remain in effective for lots W10-W16 on Wales side with exception to lot 11.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y
	Jennifer Bothwell	Abstains

Rob H. closes the public hearing at 7:00 PM.

Other discussion:

Mr. Cormier notifies the commission that the cul-de-sac is being flagged in the near future and NOI's for additional lots and cul-de-sac will be submitted in the near future. Mr. Cormier has been in touch with the Fire Chief regarding a temporary turn around for emergency vehicles. Lots 14, 15, and 16 will be combined into one lot.

**** Agenda item: 24 (LOT 12) – Old County Rd. - NOI**

Rob H. opens the public hearing for Lot 12 at 7:02 PM.

Mark Farrell reviews the plans for Lot 12. **Hugh B.** explains that he had felt that wetlands were present, within an area that was not depicted on the plans. Due to personal reasons and weather restrictions a site visit to confirm that what is depicted on the plans is accurate to what is in the field has not been feasible. Therefore, **Hugh B.** would be abstaining from a vote regarding this site. Newly appointed member Jennifer Bothwell would not be participating in any official vote regarding this property due to her just reviewing these plans, not having put eyes on the site herself. Since a vote cannot take place without a majority, the commission cannot make a determination on

this application. The commission needs to visit the site to verify the survey flags and the current wetland delineation flags. **Rob H.** continues the public hearing to March 3, 2022, at 6 PM.

**** Agenda item: Highway Department – NOI**

The NHESP Division of Fisheries has stated that they never received a hard copy of the Highway Department – Blanket NOI filing. The commission will reissue a hard copy of all appropriate documents. Once the NHESP reviews and provides comments then the commission will be able to close the public hearing for this application.

**** Agenda item: 33 Barney Rd. – follow up enforcement order**

The commission has nothing further to report on the property. The commission will revisit the site in the near future and touch base with the Board of Health.

****Agenda item: 40 Sizer Dr./Sunpin Energy Services-NOI Continued**

Rob H. opens the public hearing at 7:30 PM.

Rob H. addresses the commission regarding the role Lucas Environmental will take with the remaining services needed.

Steven Herzog and Mike Wilkinson summarize the responses to the comments that were submitted by the conservation commission on behalf of the public. Overall, the commission is pleased with the responses and revisions made by WOODS/SUNPIN. The commission feels that WOODS/SUNPIN has answered all questions and addressed all issues that the commission has had, and they feel that the applicants have been cooperative.

Public Comments:

Dean Dickinson expresses his frustrations that 29 comments were submitted on behalf of the public concerns and 18 of those comments were not forwarded to the applicant. Mr. Dickinson would like to know how to proceed with the public comments being addressed.

Commission Response: The commission did review all comments that were submitted and explain that some of the comments submitted were worded as asking for an opinion vs. a determination. **Hugh B.** states that the commission does not have the ability to allow the public to be an intervener on the application because in the state of Massachusetts that is not supported legally. The commission is not under any

obligation to respond to comments that come in from the public. The commission feels that they have been respectful and courteous of the public concerns. The commission cannot take the public comments that may or may not come from an expert, especially if it something very technical that the commission may not have the background and expertise on.

Margaret Washburn: No Comment

Elizabeth Dickinson: Ms. Dickinson has concerns that the applicant does not own all the property depicted in the plans/application.

Commission Response: The property in question, is the portion of Sizer Dr. that is under a little bit of uncertainty of whether it is owned by the town or the applicant. The commission cannot rule on that, it is outside of the commission's per view. The commission requested that the applicants to adjust the zoning setbacks according, which they did. This issue was resolved to the extent that it could be regarding the road.

Darlene Yiznitsky: No response

Caller No. 1 & 2: No response or comment

Rob H. feels that our peer reviewer worked with WOOD's/SUNPIN regarding any concerns with the original NOI. Lucas Environmental had accepted the plans from the applicant and the commission was comfortable with the responses and changes made throughout this process. The next course of action would be to close the public hearing, engage in deliberations, make a decision and issue Order of Conditions if this application is approved. If the public would like to submit comments, the commission will take these comments into consideration when in deliberations.

James Martin: On behalf of the applicant, Mr. Martin explains that he feels that the applicants and commission have complied with allowing the public to be heard. With the peer reviewer's approval of this application, the applicant would ask that the public hearing be closed, that the commission deliberates and makes a decision. The applicant expects conditions to be issued, but to go back and forth with the public is outside of the scope.

Motion 021722-06 by Hugh B. to close the public hearing for 40 Sizer Dr. Sunpin Engineering at 8:10 PM, Seconded by Norma T. No discussion, all in favor.

Roll Call Vote:	Norma Thompson	Y
	Hugh Brower	Y
	Robert Herbert	Y

Jennifer Bothwell Abstains

The commission decides to start deliberations, this will be an ongoing process leading up to their next scheduled meeting on March 3, 2022, at 6PM. An official decision regarding this application will be made on March 3, 2022, in the interim each commission member will proactively submit proposed conditions individually to the clerk, those conditions will be formatted and sent to Lucas Environmental to provide additions and amendments.

Deliberations:

Norma Thompson: No additional comments currently.

Hugh Brower: Some concerns would be that the applicant has suggested tree topping, which research shows that trees that have been tree topped do not survive. The southern portion of the site, SE buffer zone, cutting that would take place within the vicinity of the stream crossing is a concern because vegetation would need to be removed within resource area to construct the culvert. Overall, within the footprint approximately 14 acres will be cut, which will change the microclimate, adding additional heat, potentially increasing the temperatures within the stream which would affect the breeding habitat of the species within the stream. The issue regarding ownership of the driveway is something that would need to be settled by the town, the town would need to come to an agreement with the applicants.

Robert Herbert: Shared the same concerns that Hugh B. pointed out. Rob H. has concerns about the staging area, the process of clearing the trees and maintaining a stable site and conditions are being met throughout the process. Hugh B. points out that the commission can specify when construction can happen within the growing season, using vegetation to stabilize the site.

Jennifer Bothwell: Asks for clarification regarding the management plan for the site, how often inspections would occur. Steven Herzog clarifies that the intention is to inspect every 7 days or after a significant rain event of greater than a ¼ inch in 24 hrs. while the site is under construction or considered unstable. After construction is complete, if the vegetation has not come in and stabilized the site, then this would be monitored until the site is stable with 75% cover of vegetation, then the long-term plan would come into effect of monitoring basins and the equipment itself.

Minutes to be approved: 1/20/22

**Motion 021722-07 by Rob H. to approve 1/20/22 minutes with edits submitted,
Seconded by Hugh B., no discussion, all in favor.**

Roll Call Vote: Hugh Brower (Y)

Robert Herbert	(Y)
Norma Thompson	(Y)
Jennifer Bothwell	Abstains

Motion 021722-08 by Rob H. to close the meeting at 8:41 PM, Seconded by Hugh B., no discussion, all in favor.

<u>Roll Call Vote:</u>	Hugh Brower	(Y)
	Robert Herbert	(Y)
	Norma Thompson	(Y)
	Jennifer Bothwell	(Y)