



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 – April 28, 2022

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

Public Present: Bill Matchett, Joanie D'Ambrosia, Andre Cormier Jr.

Rob H. opened the public meeting at 6:05 PM.

Minutes to be approved: 3/24/22 & 4/1/22

Motion 042822-01 by Jennifer B. to approve 3/24/22 meeting minutes, 2nd by Hugh B., no discussion all in favor.

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

Motion 042822-02 by Hugh B. to approve 4/1/22 meeting minutes, 2nd by Jennifer B., no discussion all in favor.

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

Old Business:

****Agenda Item: 180 Union Rd. - FCP**

Rob H. notified the commission of the change in status of this project. The commission had conducted a site visit with the state forester and Norcross (who abuts the property) to confirm where the proposed cutting was not on Norcross property. The Forest Cutting Plan is no longer valid, the property owner no longer requested the services of the harvester that is named on the plan.

Other Business: Wales Solar, LLC – Union Rd.

Sarah R. explained that she had reached out to DEP on behalf of the Planning Board, to confirm they had complied with all of DEP's requests, which they had. DEP suggested that Wales Solar, LLC request a Certificate of Compliance from the commission.

Other Business: 45 Union Rd. - Bill Matchett

Bill Matchett explained that he had approached the Planning Board, had an informal conversation about Earth Removal on his property and the requirements needed to do so. According to Wales Zoning Bylaw Section 7.2, at the very least in order for soil, dirt, gravel, etc. to be removed from a property, the location of soil, dirt, gravel must be 100 ft. from a wetland and 100 ft from a property boundary unless the removal is in conjunction with new construction. Mr. Matchett explained that wetlands are within 100 ft. so he will change his location of removal to comply with the bylaw, staying at least 100 ft from the wetlands. The commission suggested a site visit and it will then be determined if a filing is required and what controls will need to be established prior and during removal. The commission will schedule a site visit before the next scheduled meeting.

New Business:

****Agenda Item: Elect Member of the Commission to sit on Parks Commission (Previously Norma Thompson)**

Newest member Jennifer Bothwell has volunteered to sit on the Parks Commission. All in favor.

****Agenda Item: Sizer Dr. – Sunpin Solar- appeal for a Superseding Order of Conditions - NOI WE 314-0160**

Rob H. explained that an appeal for a superseding order of conditions had been filed with DEP and the commission. **Sarah R.** had been in contact with Michael McHugh from DEP, who has been assigned to our district and this appeal. Mr. McHugh has been provided with all supporting documents. The commission does not play an active role in the process but if DEP should request more information or consult with the commission, that is a possibility. The only appeal to the decision from the commission has come from the public.

Public Hearings – New/Continued

****Agenda Item: 20 Old County Rd. (Lot 10)-Andre Cormier-NOI**

Rob H. opened the public hearing at 6:25 PM.

Mr. Cormier showed the commission plan revisions that depict the proximity of the intermittent stream that the commission had concerns about. The plans also showed the lot in its entirety, which the commission had requested at the last meeting. Although the house is within the buffer zone it appears that this is a hardship for the applicant due to the septic not

perking successfully at a lower location. No other regrading will take place, other than what is specified on the plan.

Wetlands have been flagged at the top of the road for the construction of the cul-de-sac. Plans have been drawn up but are not finalized to submit to the commission.

On lots 7 & 8 there appears to be a large mound where dirt is being stored. Mr. Cormier explained that the dirt pile will be removed and placed back on the sites.

The commission will conduct a site visit prior to the next meeting, the public hearing was continued to May 19th at 6PM.

****Agenda Item: Enforcement Order Follow up**

Old County Rd. – Violation Notice:

Hugh B. explained that the applicants did not immediately implement the erosion controls and limit of work delineations as specified in their final Order of Conditions. This led to erosion problems on Lot 12, clearing had extended beyond the defined limit of work and within 10 feet of wetlands on Lot 11. Enforcement Orders were issued for both lots and applicants have been generally responsive in addressing the commission's concerns. Due to the steep slopes involved and the proximity to wetlands, it is advisable that regular inspections should continue during the construction phase. On Lot 12 there is a large mound of dirt beyond the limit of work that the commission would like removed. Maintaining erosion controls within the limit of work is what the commission expects. On Lot 11, the limit of work needed to be defined and staked. Mr. Cormier showed some revisions on the plans, showing a second row of hay bales will be put in place and high bush blueberry plantings will be put in to restore the area.

Mr. Cormier asked the commission what the protocol is for when his clients would like to pave their driveway. The commission advised Mr. Cormier anything outside the buffer zone can be paved, preferably pervious paving which uses materials that enables stormwater to flow through it. If work is proposed within the buffer zone, then they would need to come before the commission.

****Agenda Item: Highway Department – NOI**

Rob H. opened the public hearing at 6:52 PM.

The commission did receive notification from the NHESP review, which showed many different possibilities and what would need to be required from the Highway Department. As long as the Highway Department is within 4ft. from the edge of the pavement (without increasing the pavement) then no notification would be required. Drainage structures are non-jurisdictional to the commission, but stream crossings and storm drains that filter into streams are jurisdictional

to the commission. The commission will draft conditions for this blanket NOI. The hearing is continued to the next meeting on May 19th where conditions will be discussed.

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

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

The enforcement order was issued in May 2021. Mr. Giza owns the property, unfortunately the animals were not cared for properly. Multiple agencies had been involved on the property, animals were removed, and nobody resides on site. The commission wants to ensure that the stream quality is ok and confirm that all activities within the resource area have returned to their original condition. There has been increased activities observed. Fresh trash is accumulating in the driveway and the adjacent wetlands. Additional vehicles have since been parked or stored on the property and there is no sign of animals. In the past, hazardous materials were disposed of in the driveway and a strong smell of diesel oil had been reported. Tree cutting has been done in the buffer zone adjacent to the farm driveway. There is no evidence of trash being cleaned up in the resource areas as required by the Enforcement Order issued on 5/7/21. No restoration plan was submitted as required by the EO. The commission agrees that resending the Enforcement Order is a good idea. If the commission does not see progress on the property, then additional enforcement may be necessary.

The public hearing was continued until May 19th, 2022.

****Agenda Item: Continued Enforcement Order Follow up**

Lake George Tavern, Union Rd.

The commission would like a letter sent to the owners of the Lake George Tavern, informally reminding them that they should be coming to the commission if any work is being doing within 100 ft. of a buffer zone. It appears that excavation work has been done for a patio within 100 feet of a stream. No filings were done with the commission and no erosion controls were erected.

15 Holland Road (Cox)

Tree cutting has been underway without any filings to the commission or with DCR. The owners intend to subdivide it to create 3 house lots and about 90% of the parcel is jurisdictional to commission and the NHESP as a Priority Habitat. There is very little buildable area on this property, and it may not satisfy the minimum upland requirements of the town's Wetlands Bylaw. The immediate area they are working in at the moment is not jurisdictional to the commission right now. The commission would like to send an informal letter, explaining that anything taking place within a resource area will require a filing with the commission and that a MESA review would be required.

214/216 Union Road

Hugh B. explained the history of the properties. The commission has had extensive contact with the new owners over the past year, and they have been made aware of the commissions requirements in order to comply with the Enforcement Order issued to both parcels. There is still no evidence of the cut wood piles being disposed of and the owners have not submitted a restoration plan, which was discussed previously. On the 216 lot, there is a failing culvert that needs to be restored. **Hugh B.** will follow up with the current owners.

Stafford-Holland Rd. – Violation Notice- Utility Work – BSC Group/National Grid-Site Visit:

The commission approved the proposed work with the condition that the pole be placed away from the stream crossing. Unfortunately, the pole was placed adjacent to stream crossing and has since been moved 10-15ft feet outside of the flood zone. The commission will follow up with their representatives to ensure the restoration of the disturbed areas and placement of additional riprap around the stream banking take place.

Monson Road (West of Post Office)

An area south of Monson Road and adjacent to Wales Brook and the bordering wetlands is being cleared, but the commission is not certain which property is being worked on. These activities are subject to the WPA and a filing would be required. Again, the commission will issue an informal letter advising that this type of work does require a filing with conversation.

40 A Hollow Rd. (Whitman)

This parcel was formerly known as 40 Hollow Road before being subdivided into lots 40A and 40B with separate owners. The lot(s) had previously been clearcut under a Forest Cutting Plan, but the regulated areas in question on 40A had been excluded from that plan before being cleared. An Enforcement Order was issued against 40A on 11/18/21 for alteration and filling in of resource areas (an intermittent stream and BVW areas). The slash from the clearing has been piled into the stream and BVW areas, however vegetation including skunk cabbage and flowing water are still visible underneath. It is estimated that approximately ½ acre of resource areas were altered. The stream continues onto the 40B lot and downslope from there to a tributary of Hollow Brook.

There has been no contact from the owners about this EO and no restoration plan has been submitted to the commission.

****Other Business:**

Haynes Hill Rd.

The commission would like to conduct a site visit with the state forester, if possible, to follow up with the work being done and completed. The commission is concerned that the land being cut will be used for a different use than what is depicted on the plan.

Gas Pipeline – Holland Rd.

This work is not jurisdictional for the commission, but they will continue to monitor as work progresses.

Motion 042822-03 by Hugh B. to close the meeting at 7:46 PM, Seconded by Jennifer B. No discussion, all in favor.

Roll Call Vote:

Hugh Brower	Y
Robert Herbert	Y
Jennifer Bothwell	Y