



Town of Wales Conservation Commission

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Meeting Minutes – July 21, 2022

Present: Robert Herbert (**Rob H.**) – *Chair*, Hugh Brower (**Hugh B.**) – *Commission Member*-, Jennifer Bothwell (**Jennifer B.**) – *Commission Member*, Joanie D'Ambrosia (**Joanie D.**)(virtually) – *Commission Member*,

Public Present: Maryann Spring, Joanne Robinson, Ryan Nelson (Virtually), Ethan Pearson, Ted Wysocki

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

Minutes to be approved: 6/16/22

Motion 072122-01 by Jennifer B. to approve 6/16/22 meeting minutes with edits, 2nd by Hugh B., no discussion all in favor.

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|-----------------|-------------------|---|
| Roll Call Vote: | Hugh Brower | Y |
| | Robert Herbert | Y |
| | Jennifer Bothwell | Y |
| | Joanie D'Ambrosia | Y |

Old Business:

****Old County Rd.**-*construction status*

Hugh B. had visited the site recently and stated that work continues various Wales locations. - Lots 10 and 12. It was observed that the erosion controls are breaking down and need to be refreshed and a emergency vehicle turn around had started to be constructed near Lot 12- on the Holland side of the road. The commission will follow up with the builder to ensure that erosion controls are adequate.

****Agenda Item: 214/216 Union Rd.**-*Peter Arabolos*

The commission is aware that Mr. Arabolos has been working with an engineer to assess what work needs to be done. The commission will conduct a site visit when Mr. Arabolos files an NOI for all restoration plans.

****Agenda Item: 40 A Hollow Rd.-Krevosky**

Stumps and debris within the resource area have been cleaned out, with no significant disturbance. The commission is waiting for the wetlands to be delineated and a restoration plan submitted with lot boundaries flagged on site.

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

A decision from DEP should be expected by the end of July regarding the superseding order of conditions for NOI WE 314-0160.

New Business:

Discussion/Inquiries of Property:

59 Fountain Rd.-Tree Cutting

Rob H. had spoken with the owner (Ms. Harris) about the site. The commission advised the owner that an NOI filing for this is the most thorough route but the docks on the property would also have to be included on the NOI. Ms. Harris explained that the tree in question is a nuisance and not a danger at this time. Rob H. suggested that the other members visit the site if possible and to see if an RDA filing would be sufficient, still allowing the commission to provide conditions.

Tiderman Rd. - continued

The applicant on Tiderman has hired an engineering firm to provide site plans creating an alternative entrance and restoration to areas that have possibly caused a disturbance. The commission is waiting for an NOI filing.

Holland Rd.- continued

Work has continued site with evidence of large vehicles going in and out. The lower areas of the property are jurisdictional to the commission. Nothing has been filed with town at the time of the meeting.

27 Shore Dr.- complaint

The owner was unaware that she would need to file with the commission for the repairing of her retaining wall and cleaning up the property. Ms. Robinson provided pictures to the commission, and it is recommended that an NOI be filed.

BOH-discussion about septic issues in town

Hugh B. attended the BOH meeting where several septic issues within the town were highlighted.

The old store at 67 Main St - proposed clubhouse for the motorcycle club.

- The BOH Agent said that the current system did not pass Title 5 and the change of use for the property requires a passing Title 5 inspection.
- The system uses a leach pit.
- The system was recently pumped and so they must wait 2 additional weeks for a Title 5 to be performed again.
- Two people currently live in the 1-bedroom apartment upstairs.
- The club has built a bar downstairs.
- The owner said the water was tested but he is not sure if the testing was done for the proper contaminants. Testing must include lead, metals, herbicides, industrial chemicals, and salts. The fuel tanks from the old gas station there are still in the ground, most likely.
- The store/house has been in use since the 1800s.
- If the septic plan does not meet the current usage requirements, then it will not pass Title 5. 220 gal. per day is an estimated rate. Too much daily usage will overflow the septic pool. If the club has parties, then that limit could be exceeded.

Both properties below have had sewage breakouts or suspected breakouts at these locations:

25 Shore Drive

- 25 Shore Drive is under a court order to have the property cleaned up by the 31st. There is also a pending eviction against the tenants on that property.

46 Union Road

- BOH will follow up on 46 Union Road where there is a pipe under the road discharging into the lake.

Hugh B. discussed various options for the BOH and the commission to ensure that enforcement actions are carried out by property owners and in what instances the commission would become involved in properties.

49 Hollow Rd.-Site Visit

An informal discussion was held with Ms. Spring of 49 Hollow Road about issues with the wetland areas on and near her property. The commission informed her of which areas and activities are regulated under the WPA and also discussed some of the other town departments that she could reach out to with specific issues or questions.

Public Hearings-New/Continued:

****Agenda Item: 30 Lake George Rd.-NOI**

Rob H. reopened the public hearing at 6:30 PM.

Engineer (Roger Nelson) for the applicant provided a summary of the actions taken that were an area of concerns of the Commission. Adjusting the location of the house and septic to reduce impact on the buffer zones were addressed in the revisions submitted. The revisions were presented to the commission and details were discussed.

Motion 072122-02 by Rob H. to close the public hearing for the application on a Notice of Intent DEP File # WE 314-0176, Seconded by Jennifer B. No Discussion, all in favor.

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| Roll Call Vote: | Hugh Brower | Y |
| | Robert Herbert | Y |
| | Jennifer Bothwell | Y |
| | Joanie D'Ambrosia | Y |

The commission discussed the application and conditions. (See attached conditions)

Motion 072122-03 by Hugh B. to approve the NOI for 30 Lake George Rd. DEP File #314-0176 with standard and special conditions, Seconded by Jennifer B. No discussion, all in favor.

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| Roll Call Vote: | Hugh Brower | Y |
| | Robert Herbert | Y |
| | Jennifer Bothwell | Y |
| | Joanie D'Ambrosia | Y |

****Agenda Item: 46 Hollow Rd. – Wysocki/Pearson-NOI**

The public hearing was reopened at 7:00 PM.

Mr. Wysocki presented revised documents to the commission, submitting a septic plan map showing elevations for the entire property. “No Work Area” was defined on the plan near the resource area boundary. Plans showed swale construction and areas that would be graded/leveled. Applicants were informed that as per the DEP review of their application, the DEP wetland delineation field data form should be submitted to the commission as part of their filing. Mr. Wysocki was directed to submit the appropriate forms to the commission and revisions need to be submitted to DEP. Mr. Pearson stated that he was going to start work on the top of the hill. **Rob H.** stated that it clear that no work should begin without appropriate erosion controls in place. The applicant stated that compacted debris from the forest cutting would be used throughout the site. The public hearing was continued until the 18th of August.

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

A special meeting will be held within the next 2-3 weeks to address the Highway Departments conditions for the blanket NOI.

****Agenda Item: 33 Barney Rd.**

The commission conducted a site visit on May 31, 2022. Progress had been made on site but is not moving in an acceptable direction. The commission observed recent activities that were not in keeping with the terms of the previous enforcement order, including trash being dumped on the driveway, hazardous materials spillage in the driveway, clearing of trees and vegetation in a resource area and unauthorized repair work done to the stream crossing. The commission will make additional efforts to contact the owner to make him aware of the terms of the EO and the need to attend a commission meeting.

Motion 072122-04 by Hugh B. to reissue the Enforcement order/Restoration Plan (see attachment) with new timelines for Mr. Giza to comply with, in the event that the commission receives no response then the commission will pursue legal action to be approved by the Board of Selectman, Seconded by Jennifer B. No discussion, all in favor.

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| Roll Call Vote: | Hugh Brower | Y |
| | Robert Herbert | Y |
| | Jennifer Bothwell | Y |
| | Joanie D'Ambrosia | Y |

Motion 072122-05 by Hugh B. to close the public hearing as it does not appear that any progress on the restoration plan will be immediately forthcoming, hearing was closed at , Seconded by Joanie D. No discussion, all in favor.

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| Roll Call Vote: | Hugh Brower | Y |
| | Robert Herbert | Y |
| | Jennifer Bothwell | Y |
| | Joanie D'Ambrosia | Y |

Meeting adjourned at 7:40 PM.

Wales Conservation Commission
30 Lake George Road Special Conditions

1. Erosion controls to be in place prior to the start of well drilling.
2. Any spoils from well drilling or fracking shall be removed from the site.
3. No construction activities shall be conducted beyond the limit of work depicted on the final approved plans. No construction vehicles shall operate outside this limit.
4. The limit of work is to be staked and erosion controls fully installed prior to the start of any clearing, grading, or other construction activity on the site.
5. Any new drainage pipes or stormwater structures not shown on final plans shall not discharge directly into the Buffer Zone or Resource Areas.
6. Wales Conservation Commission is to be provided with the name, phone number(s) and email address of the construction manager or general contractor prior to the start of construction.
7. Wales Conservation Commission is to be notified prior to the start of construction, and any time that erosion controls are breached or sediment runoff is observed in the buffer zone or wetlands areas.
8. The construction manager or contractor representative shall submit a construction sequencing plan prior to construction that details timing and location of all construction work within the limit of work.
9. Wales Conservation Commission reserves the right to inspect the site to assess if the erosion controls are properly installed and maintained.
10. Any soil stockpiles shall be kept outside the 50 foot Buffer Zone and shall have erosion controls erected around the downslope side(s).
11. Disturbed areas shall be promptly seeded upon completion of the construction work and also stabilized by appropriate matting if any erosion is observed.
12. On slopes of 3:1 or greater, erosion control matting or geotextile mesh is to be used until vegetation can be reestablished.
13. No use of herbicides in the buffer zone or resource areas without written approval by the commission.
14. No blasting on the site without written approval by the commission.
15. No refueling of vehicles or storage of any waste within the buffer zone or BVW areas.
16. Erosion controls to consist of a double row of staked hay bales.
17. Erosion controls to be checked and repaired weekly and after each storm event of greater than 0.25".
18. Erosion controls shall be cleaned any time there is silt or sediment buildup more than ½ the height of the erosion control.
19. Erosion controls are to be maintained until after completion of construction and vegetation has reestablished itself in the disturbed areas.

20. The commission reserves the right to order additional erosion control measures if significant erosion is occurring that affects the buffer zone or BVW areas.

Wales Conservation Commission

33 Barney Road Enforcement Order – July 21, 2022

Regulatory authority: 310 CMR 10.02:

(1) Areas Subject to Protection under M.G.L. c. 131, § 40. The following areas are subject to protection under M.G.L. c. 131, § 40:

(a) Any bank, the ocean any freshwater wetland, any estuary any coastal wetland, any creek any beach, bordering any river any dune, on any stream any flat, any pond any marsh, or any lake or any swamp

(b) Land under any of the water bodies listed above

(c) Land subject to tidal action

(d) Land subject to coastal storm flowage

(e) Land subject to flooding

(f) Riverfront area.

(2) Activities Subject to Regulation under M.G.L. c. 131, § 40

(a) Activities Within the Areas Subject to Protection under M.G.L. c. 131, § 40. Any activity proposed or undertaken within an area specified in 310 CMR 10.02(1), which will remove, fill, dredge or alter that area, is subject to Regulation under M.G.L. c. 131, § 40 and requires the filing of a Notice of Intent except: 1. minor activities within the riverfront area meeting the requirement of 310 CMR10.02(2)(b) 1. and 2

310 CMR 10.02(2):

(d) Activities Outside the Areas Subject to Protection under M.G.L. c. 131, § 40 and the Buffer Zone. Any activity proposed or undertaken outside the areas specified in 310 CMR10.02(1) and outside the Buffer Zone is not subject to regulation under M.G.L. c. 131, § 40 and does not require the filing of a Notice of Intent unless and until that activity actually alters an Area Subject to Protection under M.G.L. c. 131, § 40. In the event that the issuing authority determines that such activity has in fact altered an Area Subject to Protection under M.G.L. c. 131, § 40, it may require the filing of a Notice of Intent and/or issuance of an Enforcement Order and shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in M.G.L. c. 131, § 40

Violations:

Discharge of pollutants into resource areas that have filled and altered those areas. The pollution resulted from the dumping of trash both within regulated areas and outside the regulated buffer zone. Spillage of hazardous materials adjacent to a resource area. Repairs to or replacement of a stream crossing on the property. The property owner did not file a Notice of Intent with the Wales Conservation Commission or Mass. DEP prior to the commencement of these activities.

Reasons for the enforcement order: Prevention of pollution; and protection of fisheries, groundwater, public or private water supply, and wildlife habitat

Definitions:

Resource Area: Any river, stream, pond, wetland, marsh or other area regulated by the Wetlands Protection Act (WPA).

Regulated area: The resource areas as defined in the WPA and the upland buffer zones surrounding them, including the land either 100 or 200 feet from the border of the resource area.

Trash: Any waste products including, but not limited to, feed bags, plastic bags, trash bags, food wrappers, bottles, pails, plastic pieces, etc., that could either wash or be blown into a resource area.

Conditions:

The landowner is to allow full access to the property during daylight hours by the Wales Conservation Commission or its Agent for the purpose of ensuring compliance with these conditions.

All trash or rubbish currently on the property, including loose items that may blow or be washed into resource areas, is to be collected and disposed of in an approved manner, subject to the oversight of the Wales Board of Health. Loose trash includes, but is not limited to, feed bags, plastic bags, trash bags, food wrappers, bottles, pails, plastic parts or pieces, etc.

Any animal carcasses present within the stream or stream banks are to be removed and disposed of in a responsible manner.

No alterations are to be made to any regulated areas except for the removal of trash or garbage from those areas.

No materials of any type are to be stored within resource areas.

All areas identified by the commission as having probable chemical spills shall be remediated by a licensed environmental services company and the waste properly disposed of.

No powered vehicles are to be used within the resource areas. Hand tools, hand-pulled carts and wheelbarrows are acceptable.

No dirt or manure piles in or adjacent to resource areas are to be moved without the prior approval of the Conservation Commission or its Agent. Manure piles inside a building or structure that is protected from the weather are exempt from this order.

No farm or domestic animals are to be kept, either in a resource area or within 100 feet of the wetlands or 200 feet of the stream (the regulated areas).

No manure piles or slurry ponds are to be built or maintained on the property in a resource area or within 100 feet of the wetlands or 200 feet of the stream (the regulated areas).

No vehicles or powered equipment are to be parked on the property, either in a resource area or within 100 feet of the wetlands or 200 feet of the stream (the regulated areas).

Any vehicles or equipment on the property that are known to be leaking flammable or hazardous liquids are to be removed from the property.

All stored liquids of a flammable or hazardous nature, including but not limited to solvents, paint, motor oil, gasoline, etc., are not to be stored in a resource area or within 100 feet of the wetlands or 200 feet of the stream (the regulated areas).

Any such liquids present within these limits must be moved or disposed of in an approved manner, subject to the oversight of the Wales Board of Health.

Any such liquids that are being kept anywhere on the property in containers that are known to be leaking, are to be disposed of in an approved manner, subject to the oversight of the Wales Board of Health.

Restore any altered resource areas according to the conditions set by the Wales Conservation Commission.

Any other conditions as set by the Wales Conservation Commission.