

Conservation Commission Meeting Minutes

May 17, 2023

6:00 p.m. via Zoom

Members: Kimberly Roth, Chair
Rebecca Bucciaglia, Vice Chair
David Cowell (6:00pm-7:15pm)
Donald Brown

- **Notice of Intent – Lower/River Road Mass DCR**
 - KR asked for a DEP file number, but a File Number has not been issued by DEP
 - Public comments: None
 - KR made a motion to continue, pending a DEP File Number. Vote: all in favor.

- **Notice of Intent – MA Central Rail Trail/ Town of Clinton and Clinton Greenway Conservation Trust**
 - Proposed trail is approximately 1 mile long and will start at Boylston Street and end at Berlin town line.
 - Proposed installation of a boardwalk to cross wetland at Berlin town line. Tree and vegetation clearing will be required. Will propose restoration and replacement.
 - Proposed erosion and sedimentation control measures include mulch logs around limits of work, soil stockpiling at 447 Berlin Street, and restoration of temporarily disturbed areas to pre-construction conditions.
 - The Project proposes approximately 17,300 SF of impacts to Riverfront Area with limited vegetation clearing.
 - The Project proposes approximately 408 SF of impacts for installing prefabricated boardwalk, including boardwalk footprint and temporary impacts of tree clearing. Replication is proposed through wetland seed mix and native shrub/tree plantings.
 - RB inquired about the proposed footings for the boardwalk.
 - DC inquired about whether this is a new or redevelopment and exemptions regarding Riverfront.
 - KR asked if the proposed plan was filed as a limited project and if a site plan was available, and inquired about helical pilings
 - Not redevelopment and filed as a limited project, the approximate footings for the boardwalk will be discussed at a later time.
 - RB inquired about helical pilings and if it would be beneficial in reference to replication requirements.
 - Helical pilings will have to be discussed but have not been included yet due to cost.
 - KR inquired about location of the boardwalk in reference to the location of the end of the tunnel.

- A map was referenced showing the boardwalk at the opposite end of the entrance and exit.
- KR inquired about land surrounding tunnel and if it has been evaluated for wetland resource areas including land subject to flooding
 - Applicant claims there are no jurisdictional wetland resource areas on western side or past eastern tunnel.
- KR would like the CC to do a site walk between the May and June meeting
- DC asked about if there is a stormwater report and proposals for new culverts and drainage beneath the railroad bed
 - No full stormwater report but stormwater considerations have been noted.
 - All drainage will be directed down by either side
- KR states a stormwater checklist is required as this Project is not exempt.
- Town still in process of obtaining easements
 - Waiting on comments from Natural Heritage and Endangered Species Program (NHESP) due to rare species: marble salamander. Applicant stated NHESP said it does not look like habitat for marble salamander
- **Public Comments:**
 - Sherry Steele of the Woodlands had concerns regarding coyote and fox dens in the proposed area.
 - No due to Wetlands Protection Act-does not meet threshold for wildlife assessment and does not meet regulations to trigger a wildlife investigation-coyote and fox dens are not significant habitats
 - Brian Sousa of 447 Berlin Street inquired about how the trail will effect due to being in his backyard.
 - KR inquired if he has brought this upon the other boards- If questions are not related to wetland protection act, planning board is more appropriate. If not given the opportunity to ask, then ask for June meeting.
 - Tight & Bond will be on Planning Board June agenda informally.
 - Asked why given the Vernal Pool was the trail not put further away.
 - RB asked for distance from house to Vernal Pool-approximately 35-40 feet
- DC mentioned discussed WPA jurisdiction regarding Vernal Pools. NHESP will produce a letter with findings and potential conditions that will be taken into consideration for Order of Conditions
- If a quorum site visit date should be posted and open to the public.
- KR motion to continue to next meeting. Vote: all in favor.

Enforcement Order – 460 Main Street- Franklin Hardy/TYCA Real Estate, LLC

- KR opened regarding complaint received of clearing within a Riverfront and Buffer Zone.
- Enforcement order has not been officially issued.

- Mr. Hardy believed clearing was only from the wall of the dam. States DCR Office of Dam Safety (ODS) wants trees out of the way, following orders and regulations set forth by DCR in management guide and engineer.
- KR asked if any letters or plans have been received by the Office of Dam Safety and if advice was given to file under the wetland protection act.
 - FH stated he is unaware
- KR stated the concern is the work that occurred without a WPA permit and that also extends beyond the slope that would not be for dam safety. ConCom needs an onsite visit with engineer.
- KR asked for site plans if they were drawn up upon planning work
 - FH will forward over all documents ahead of next meeting and CC will review prior to site visit
- Prior to next meeting, FH will send recent communications with ODS.
- FH should plan on a restoration and maintenance plan and filing a Notice of Intent.

Notice of Intent – Woodland Circle and Glenwood Lane- Woodland View LLC

- Site walk was done previously in the week, two items are still required: Stormwater Report and the Certificate of Compliance for the SOC.
- No representatives were present at the meeting.
- Motion to continue until next meeting. Vote: all in favor.

Enforcement Order Update – 4 Craig Drive- Pedro Rodrigues

- PR spoke with Patti and Patti completed a restoration plan and will send it to the CC
- Plan given to PR to review
- Will review at next meeting

Enforcement Order Update – 42 Henry Road

- EO received by CC email
- Proposed plan has been received with minor modifications
- NOI is planned for next meeting
- Photos of erosion control are requested

MWRA Letter- Wachusett Reservoir North Dike

- GZA submitted an exemption letter regarding repairment of dike
- Certain area of dike may allow waves to come over the dike-resulting in erosion
- Compost filter will be used around work area to avoid release of sediment
- RB why does this not require a filing?
- KR states this work appears to falls under limited project category-maintenance of dams and reservoirs 10.53(3)i.
- Applicants asked what changes to the proposed work would occur if an NOI is file. Commissions responded that WPA oversight includes: advertisement, notifying the

public, abutters, oversight of MassDEP, limited project category, oversight of ConCom during and after construction.

- KR states this most likely will not qualify as an exemption, as it is not a work to an existing structure that is does not substantially change or enlarge, it is earth work on and adjacent to wetland resource areas.
- RB advised to review the limited project guidelines
- DB agrees with KR and RB and states is a substantial amount of work
- RB suggests Applicant reach out to DEP and ask for approximate timeline for review- approximately one month to gather all documents such as abutters notice, legal ad, etc.
- **MWRA Letter -Wachuset Dam Lower Gatehouse Pipe Replacement**
 - Unisex bathroom and pipe replacement
 - Septic tank filled with sediment-proposed adding Tight Tank
 - Most would be exempted except tight tank

KR recommends doing a Request for Determination of Applicability (RDA) to request if the work is subject to protection.

Rauscher Farm Management Subcommittee

- Not in attendance
- Filing fee is not required due to town project/municipality

Meeting minutes for April 19, 2023 approved. Vote: all in favor

Motion to adjourn. Vote: all in favor

Meeting concluded at 7:59 p.m.