Town of Rutland
Conservation Commission
Minutes: January 21, 2020
Meeting Opened: 7:01 P.M.

Attendance:

Board Members Present: Peter Craine, Melissa Danza, Jared Gentilucci, Skip Clark, Willard Cannon
Board Members Absent: Eric Bigelow, Joe Dell'Aquila
Guests: Jennifer McGuinness, Tom Liddy, Chris Anderson

Application Submissions:

None

Votes:

Motion to approve meeting minutes from January 7, 2020—Motion made by Skip Clark, seconded by Melissa Danza; vote unanimous at 7:01 P.M.

Motion made to close the meeting—Motion made by Skip Clark, seconded by Melissa Danza; vote unanimous at 8:21 P.M.

Hearings:

None

Discussions/Other:

Environmental Notification Form/Amended Order of Conditions: Brintnal Estates
The original Notice of Intent for this project was filed in 2010 and the Order of Conditions was approved in 2012. The crossings were originally going to be bridges over the wetlands, but C.B. Blair Builders would like to modify the plans to use culverts instead. They are also proposing to destroy approximately 10,000 sq. feet of wetlands and replicate approximately 15,000 sq. feet elsewhere. Thomas Liddy from Lucas Environmental and Chris Anderson from Hannigan Engineering presented on behalf of the applicant. As a recap, they requested an amended Order of Conditions about a year ago along with filing for a 401 water quality certification. Since that time, DEP changed the Zone A mapping, which affected the configuration of the project. About a month ago, they filed an Environmental Notification Form with MEPA and the process is now wrapping up. The storm water detention basin will be moved out of Zone A and a proposed rain garden and some lot lines will also need slight re-configurations. The design for the detention basin meets storm water standards and has remained the same with no infiltration due to poor soil quality. The rain garden is proposed at the entry way of Brintnal Estates, which will be slightly
reconfigured so that the piping will discharge outside of the Zone A. The board would like to see a new NOI for the 2 crossings and an amendment to the original Order of Conditions to include environmental impacts and details on the replication. The board also suggested closing out the first OoC and submitting a new NOI, which Mr. Liddy said they may do in the future. Peter had concerns with the size of the culvert openings given the size of the wetlands. Tom said they could provide verification of the sizing based on channel hydraulics and the board was amenable to that. Tom said they'd like to finish the MEPA portion first before finalizing the design, but they only foresee minor changes. Peter said the 1.5:1 replication was acceptable, but the board would ideally like to see a 2:1 replication or as close to it as possible. Chris Anderson said he will be touching base with Quinn Engineering with regard to the third party review process and Peter would like Tomeca to follow up with Carl Hultgren to ensure the outstanding bill has been paid. Melissa asked if the plans would have to go back before the Planning Board due to modification of the lot lines, but Chris said it will only require an ANR plan because the number of parcels has not changed. Jared asked if house placement has been determined yet and they have not. However, all impervious areas have been accounted for. The board will now wait to hear from the applicant when they submit a new Notice of Intent for the crossings.

Resident Inquiry: Tree Cutting—76 Woodside Ave.
Michael Nyahe reached out to the Commission via e-mail to inquire what steps need to be taken for him to cut down trees on his property that are near the wetlands. On January 11th, Melissa and Jared met with the homeowner, and they too, saw that the trees are dying and are very near to the house. There is only 1 tree that is right near the wetland line and they didn't foresee any issues with him having the trees removed. They did advise Mr. Nyahe to follow up with the builder on obtaining a Certificate of Compliance for the property. The board approved his request to cut the trees with no further action needed on the part of the homeowner. Tomeca will write and send Mr. Nyahe a letter of approval and will request that he give the board a 24 hour notice prior to beginning the work.

- Motion to approve the tree cutting and write a letter of approval for Michael Nyahe, 76 Woodside Ave.—Motion made by Melissa Danza, seconded by Skip Clark; vote unanimous at 7:35 P.M.

Conservation Agent/Conservation Commission Bylaw
At the previous meeting, Peter asked the members to bring some ideas with regard to the ConComm bylaw and potential duties for a ConComm agent. Jared did some research and spoke with his co-workers, who serve on Conservation Commissions in other cities/towns, and they suggested to use the MACC template. He also researched other cities and towns in which he's done projects in and most of them have a bylaw similar to the MACC template as well. However, they all vary on their regulations. The bylaws average about 12-15 pages and the regulations about 20 pages. Melissa said that in her experience, most towns struggle with the exemptions. With regard to an agent, Melissa suggested the individual could do more active monitoring, site compliance, meeting with homeowners if issues arise and open space over sight. While everyone agreed on these suggestions, there is still a question of where the money would come from and if it's enough to employ someone even part time. In the meantime, the board will focus on streamlining communication and creating a chain of command for when Tomeca sends e-mails/designates tasks. Skip also recommended having some sort of photo
identification issued by the town for when board members are going on resident's properties. Everyone agrees, so Peter will check with the FD and PD to see if they can assist with this.

**16 Campbell Court**

Peter received this application as a ConComm review for a building permit in View Point. The site plan provided had very limited information, with no wetland markings or topography lines. ConComm had previously walked the site when the plan was for it to be a solar field. The house appears to be far enough away from the wetlands that an NOI shouldn't be needed, but the board would still like information on the scope of site work (i.e. tree clearing) to judge whether an NOI will be needed. Julian Votruba from NE Environmental Design texted Peter to say that there will be no disturbances to the wetland and all work will be outside the buffer zone. However, the board would still like to see a plan that includes a proposed house location, wetlands and limit of work. Peter noted these comments in Viewpoint.

**Update—Glenwood Rd., James Hooper**

Jared met with Colleen Abrams from Wachusett Greenways regarding the culvert located near Mr. Hooper's property. She is willing to help and suggested a site meeting once the snow has melted. There are two culverts there—one installed by the DPW and the other has been there for a while. Jared also received confirmation that DCR is the land owner and Wachusett Greenways just has the right to use/maintain the Rail Trail.

**Other**

Tomeca will follow up with C.B. Blair Builders regarding the debris that was still in the culvert on Sedona Circle as of January 11, 2020.

Respectfully Submitted,

**Tomeca Murphy**, Secretary