Town of Rutland
Conservation Commission
Minutes: January 7, 2020
Meeting Opened: 7:00 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

Application Submissions:
None

Votes:

Motion to approve meeting minutes from December 17, 2019—Motion made by Skip Clark, seconded by Melissa Danza; vote unanimous at 7:01 P.M. (Willard Cannon abstained)

Motion made to close the meeting—Motion made by Skip Clark, seconded by Willard Cannon; vote unanimous at 8:20 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. Melissa shared that the MACC states any changes that are more impactful than the approved plan will require a new Notice of Intent. As such, Melissa suggested making the 2 crossings a separate filing and amending the original Order of Conditions for the other changes. Also noted is an overdue bill from Quinn Engineering for services they rendered on this project back in February 2019. A letter was sent to Mr. Blair by the Commission in September 2019 regarding the overdue bill, but it still has not been paid. Tomeca will send another letter and a copy of the invoice to C.B. Blair Builders, Inc. Jennifer McGuinness from the DCR was present at the meeting and said a MEPA scoping session and site walk had taken place that day (January 7th) and she noted the area was pretty flooded. After further discussion, the board decided they
would like a list of the changes being made from the approved plan, as well as a justification on the sizing of the culverts. They would also like Chris Lucas from Lucas Environmental to attend the next meeting on January 21st to answer any additional questions. Tomeca will correspond with Chris to share this information. Tomeca will also send an ENF comment letter to MEPA once Melissa has drafted it. Jennifer McGuinness also noted in her research on this project that there is a provision in the special conditions of the orders that states the ConComm is to receive $250 for each lot that is sold. The Commission was unaware of this provision.

- Motion to submit an ENF comment letter to MEPA—Motion made by Skip Clark, seconded by Willard Cannon; vote unanimous at 7:41 P.M.

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. His e-mail stated that they have become a hazard due to the proximity to his house. Melissa said the standard practice is to request a letter from the arborist stating that the tree is a hazard. The work also needs to be at least 25 feet from the wetland. The board agreed they need to see the trees before making a decision, so they scheduled a site walk on January 11, 2020 at 10:00 A.M. If the resident is unable to meet at that time, Peter just asked that he mark the trees he is looking to cut down. Tomeca will communicate this information with Mr. Nyahe.

Conservation Agent/Conservation Commission Bylaw
The Board of Selectmen has expressed their desire for the town to consider hiring a Conservation Agent, and also, the creation of a ConComm bylaw. Peter has been reading the ConComm bylaws written by surrounding towns and he hasn't found one that he particularly likes. He would like to write it using Mass General Law and avoid restrictions. The board agrees that the bylaw should serve the purpose of allowing enforcement of the regulations. He asked everyone to come to the next meeting with additional ideas so that the discussion can continue, with the hope of having a bylaw ready for the May town meeting. As for a Conservation agent, the board agreed that there just isn't enough business in town to keep even a part time agent busy. Skip suggested sharing an agent with another town and Peter suggested assigning projects to individual board members to oversee them. There is also the possibility that there are more things an agent could handle that the board just hasn't thought of yet. So, Peter would like to continue the discussion at the next meeting.

Respectfully Submitted,

Tomeca Murphy, Secretary