

CONSERVATION COMMISSION  
AMENDED AGENDA  
FEBRUARY 16, 2005

7:15 Notice of Intent – 79 Canterbury Hill Road – Pulte Homes of New England  
Notice of Intent – 85 Canterbury Hill Road – Pulte Homes of New England  
Notice of Intent - 91 - Canterbury Hill Road – Pulte Homes of New England  
Construction of single family homes within 100' of a wetland.

7:30 Request for Determination - Commuter Railroad  
Vegetation Management Plan – railroad right of way.

7:45 Continuation – NOI - Ellsworth Village - Brabrook/Great Road - Ellsworth Village, LLC  
Continued until 3/16 @ 7:45 as the request of George Dimakarakos, Stamksi & McNary

8:00 Preliminary Review – 24 Conant Street

8:15 Continuation – NOI - 316 Old High - Hydro Plant  
Maynard Conservation Commission Meeting 2/15, 7PM Maynard Town Hall

MINUTES

December 15	comments received by	ME, JR, ADM	(signature)	
January 19	“	“	“	ME, JR
February 2	forthcoming			
February 9	comments rec'd by	ME, JR		

CONSERVATION COMMISSION  
MINUTES  
FEBRUARY 16, 2005

MEMBERS PRESENT: Jeff Rogers, Andy Magee, Cheryl Lowe, Julia Miles, Terry Maitland

ASSOCIATE MEMBER: Janet Adachi

RECORDING SECRETARY: Andrea Ristine

VISITORS: Paul Grazewski, Gary Green, Steven Feinstein, Brent Reagor, Barnard Kosicki, Victor Tomyl, Steve Doret and Steve Conant

MAYNARD CONSERVATION COMMISSIONERS PRESENT: Fred King

7:25 Notice of Intent - 91 Canterbury Hill Road (Lot 30) – Pulte Homes of New England

Rich Harrington from Stamski & McNary presented plans for the construction of a single family home within 100' of a wetland. The wetland resource is outside of this parcel's lot line. The closest point of activity from wetlands is the limit of work, approximately 70'. Haybales will be provided for siltation prevention. All disturbed areas will be loamed and seeded.

Mr. Magee stated that he didn't see a need for a line of boulders on this lot.

7:37 Hearing no further comments or questions, Mr. Rogers closed the hearing.

Notice of Intent – 85 Canterbury Hill Road (Lot 33) – Pulte Homes of New England

Rich Harrington from Stamski & McNary presented plans for the construction of a single family home within 100' of a wetland. The wetland resource is outside of this parcels lot line. The limit of clearing will be approximately 79' from wetlands; haybales will be provided as siltation prevention. All disturbed areas will be loamed and seeded.

7:45 Hearing no further comments, Mr. Rogers closed the hearing.

Notice of Intent – 79 Canterbury Hill Road – Pulte Homes of New England

Rich Harrington from Stamski & McNary presented plans for the construction of a single family home within 100' of a wetland. The wetland resource is outside of this parcel's lot line. The limit of clearing will be approximately 75' from wetlands.

The lot lines in this development will have raised bounds at each point with 12" revealed above the soil surface varying with concrete and iron.

7:55 Hearing no further comments, Mr. Rogers closed the hearing.

7:56 Request for Determination - Commuter Railroad

Wayne Duffet from TEC Associates, representing the Massachusetts Bay Commuter Railroad presented the proposed Five Year Vegetation Management Plan for the railroad right-of-way (ROW). The ROW management regulations permits applications of herbicides within 10' of water ways; nothing will be applied within 0-10' of wetlands. One herbicide application per year is allowed under DEP regulations. The application is done from a truck 18" off the top rail of the railroad in a fan pattern once annually. "Sensitive areas" are demarcated along the tracks with a paint color code system covering a whole railroad tie. The Wetlands Protection Act allows for a five year plan for vegetation management and this RDA is for the life of the plan.

8:05 Hearing no comments or questions, Mr. Rogers closed the meeting.

### Determination - Commuter Railroad

Mr. Magee moved that the Commission find that the area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required with the following exemption 310 CMR 10.03 (6)(b) and 310 CMR 10.58 (6)(a) (negative five).

Ms. Miles 2<sup>nd</sup>. The motion passed unanimously.

### 7:45 Continuation – NOI - Ellsworth Village - Brabrook/Great Road - Ellsworth Village, LLC

Continued until March 16 at 7:45 PM at the request of George Dimakarakos, Stamksi & McNary.

#### Preliminary Review – 24 Conant Street – Brian Lanigan

Mr. Lanigan reported that 16 years ago he had received approval from the Commission for a proposed garage addition, which was never done, and is now considered to be within the no-build setback under the current bylaw. His proposed garage would not be disturbing wetlands as it would be located within currently paved areas. The house was built in 1957 and is within the riverfront area of a perennial stream.

Mr. Magee noted that the proposed garage would be 16' away from wetlands and the existing pavement is approximately 20' away.

The Commission agreed that, once filed, the project would be approvable if the garage addition were no closer than 20' from the edge of wetlands.

### 8:35 Continuation – NOI - 316 Old High - Hydro Plant

The Maynard Conservation Commission (MCC) continued public hearing was held on February 15, 2005 at 7:00 PM at the Maynard Town Hall. Mr. Magee reported that he did attend the MCC public hearing and most of the meeting addressed the historic water level of Ripple Pond and the long term affect of the temporary drawdown of the pond. It was determined that there would be no long term affect if the pond was returned to its old level.

Applicant, Mike Coates, stated that they do plan on conducting draw downs of the pond for maintenance and exercise purposes of the dam. This will be done once a year to exercise the dam and once every five years to the full extent.

Mr. Magee noted that the dam currently has flashboards and the new one will have a hydraulic mechanism which will lower the boards to allow the bypass of flood flows.

Mr. Coates also reported that the pond level for the last six years has been 141.75 feet above sea level and approximately six years ago it was at the elevation of 143'.

Mr. Magee noted that the exemption under the Act allows the water level to be at 141.75; anything higher would have to be an amended NOI and not a limited project.

Mr. Coates reported that the regulated pond level from FERC has yet to be responded to. He is only asking for the elevation of 141.75' at this time. The dam flashboards currently is made of boards with metal pins holding them in. When the water level exceeds the height of the boards creating enough pressure to bend boards the pins break. Since 1983 the boards were designed to fail at two feet over the top (elevation 143.75 ft.) The historic pond fluctuation since 1923 has been from two feet over to 15" below the top of the boards. If all structures were closed the pond could raise two feet over the boards, then break and go 15" below the top of the flash boards. It is probable that the flashboards have failed historically several times per year just through routine operation. The new proposed hinged controlled mechanism can accommodate the passing flows. The final design of the hydraulic mechanism is not done yet since FERC has yet to review and

approve the proposal. During routine operations he would lower the boards before an upcoming flood event.

Upon query by Mr. Rogers, Mr. Coates stated that the plant operates at 178 kwh.

Mr. Magee suggested the submittal of a written maintenance plan to reference in the OOC. He also noted that the Emergency Order has expired. Although the applicant would like to begin the repairs this year, with the permitting process through FERC, the worst case scenario would be that the repairs don't begin until 18 months from now.

Mr. Coates stated that the danger of breaching the dam is real; to just refill the pond at this time would breach the dam. The flood conduits are necessary to keep the pond level and flowing. There is no temporary solution to keep pond level low; if the pond level was allowed to top over the dam they face the current situation of breaching the dam. He will continue to get the required FERC information to the Commission. FERC will need to know that the Conservation Commission and other resource agencies have been satisfied with the proposal.

Mr. Magee stated that Mr. Coates should make sure that the Commission is sent a copy of the FERC permit and recommendations and the Commission should be allowed to comment.

Upon query by Ms. Miles, Mr. Coates stated that she can contact FERC directly regarding the performance standard of the proposed structure replacement. He is not changing the location or size of the flash boards just the mechanism.

Hearing no further comments or questions, Mr. Rogers continued the hearing until March 16, 2005 at 7:15 PM.

#### MINUTES

Mr. Maitland moved that the Commission accept the minutes for December 15, 2004. Mr. Magee 2<sup>nd</sup>; unanimous.

#### Decision - 79 Canterbury Hill Road

Mr. Maitland moved that the Commission issue a standard Order of Conditions for the plans as presented. Mr. Magee 2<sup>nd</sup>; discussion. The motion passed unanimously.

#### Decision - 85 Canterbury Hill Road

Mr. Maitland moved that the Commission issue a standard Order of Conditions for the plans as presented. Ms. Miles 2<sup>nd</sup>; unanimous.

#### Decision - 91 Canterbury Hill Road

Mr. Maitland moved that the Commission issue a standard Order of Conditions for the plans as presented. Ms. Lowe 2<sup>nd</sup>; unanimous.

#### Certificate of Compliance – 44 Great Road

Mr. Magee moved that the Commission issue a Certificate for DEP File 85-767. Mr. Maitland 2<sup>nd</sup>. The motion passed with four aye and one abstained (4:0:1).

9:54 Meeting adjourned.

  
Jeffrey Rogers  
Chair