

Worthington Conservation Commission
Minutes of Meeting
August 18, 2016

1 Call to Order

The meeting was called to order at 08/18/2016 07:01:43 PM

2 Attendance

Mary Gerken, Andrew Madden, Jim Molyneux, Ed Lewis

3 Public Hearing 67 South Worthington Road

This item is a continuation of a public hearing which opened on July 21, 2016.

Tonight's session started at 08/18/2016 07:03:05 PM

The commission received a copy correspondence from the Natural Heritage and Endangered Species Program (NH&ESP) that the proposed work is not an issue relative to the Massachusetts Endangered Species Act (MESA). A copy of the correspondence is [attached](#).

Mr. Molyneux offered a motion that Mr. Madden seconded that the commission issue a negative determination of applicability, citing "Negative Determination: Paragraphs 2 and 3" on "WPA Form 2 - Determination of Applicability".

The commission approved the motion unanimously.

Mr. Lewis offered a motion that Ms. Gerken seconded that the public hearing be closed. The commission approved the motion unanimously closing the hearing at 08/18/2016 07:11:05 PM.

4 Old Business

4.1 Minutes June 16

Mr. Madden submitted minutes of the June 16 for commission review.

Mr. Madden offered a motion that Mr. Molyneux seconded that the commission approve the minutes as presented. The commission approved the motion, 3 in favor, 1 abstention.¹

4.2 Minutes July 21

Mr. Madden offered a motion that Mr. Molyneux seconded that the commission approve the minutes of the July 21 meeting as previously presented. The commission approved the motion unanimously.

5 New Business/Pariseleti Pond - Old Post Road

A verbal request came to commissioner Peggy O'Neal relative to releasing an order of conditions issued relative to work on the pond now or formerly owned by Tom Pariseleti. It was agreed that the requesters should submit a request for certificate of compliance before the commission undertakes any action.

Secretary's note: Order of Conditions, File Number 350-004 issued August 21, 1986 (the date is correct: 30 years ago) which relates to the work is [attached](#) to these minutes.

6 Adjourn

The meeting adjourned at 08/18/2016 07:26:27 PM

¹Mr. Lewis abstained as he was not present at the meeting and had a conflict of interest.



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Jack Buckley, *Director*

August 11, 2016

Worthington Conservation Commission
Town Hall
Huntington Road
Worthington MA 01098

Joseph Ryan
Garrett Collins Jr. Nominee Trust
140 Mile River Road
Hamilton MA 01982

RE: Applicant: Joseph Ryan
 Project Location: 67 South Worthington Road
 Project Description: New Well and Septic System
 NHESP Tracking No.: 16-35811

Dear Commissioners & Applicant:

The applicant listed above has submitted a Notice of Intent with site plans (dated May 23, 2016) to the Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division"), in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58(4)(b), 10.59).

MA WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, will **not** adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MA ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided, the Division has determined that this project, as currently proposed, appears to be exempt from MESA review pursuant to 321 CMR 10.14 which states: "[t]he following Projects and Activities shall be exempt from the requirements of 321 CMR 10.18 through 10.23..."

www.mass.gov/nhesp

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

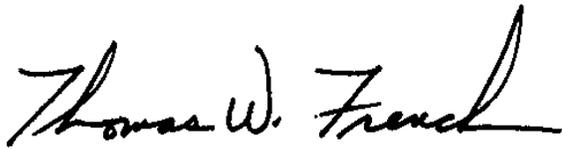
An Agency of the Department of Fish and Game

(6) construction, repair, replacement or maintenance of septic systems, private sewage treatment facilities, utility lines, sewer lines, or residential water supply wells within existing paved areas and lawfully developed and maintained lawns or landscaped areas, provided there is no expansion of such existing paved, lawn and landscaped areas;

Any changes to the proposed project or any additional work beyond that provided may require a filing with the Division pursuant to the MESA regulations.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions about this letter, please contact Daisy Medeiros, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping initial 'T' and a long, horizontal tail on the 'ch'.

Thomas W. French, Ph.D.
Assistant Director

cc: Fred Sears, Hill Engineers, Architects, Planners, Inc.

2792-132
238 5868

019538



DECE File No. 350-4
(To be provided by DECE)
City/Town Worthington
Applicant T.W. Pariseleti

**Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40**

From Worthington Conservation Commission
To Thomas W. Pariseleti same
(Name of Applicant) (Name of property owner)
Address Old Post Road, Worthington Address same

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on August 22, 1986 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Old Post Rd, Worthington

The property is recorded at the Registry of Hampshire County

Plan 116 Page 12

Certificate (if registered) 10972

The Notice of Intent for this project was filed on July 17, 1986 (date)

The public hearing was closed on August 7, 1986 (date)

Findings

The Worthington Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries

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Therefore, the Worthington Conservation Commission finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges. It does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Quality Engineering, File Number 350-4".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

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Plans:

Title	Dated	Signed and Stamped by:	On File with:
<u>Proposed pond site plan</u>	<u>8/7/86</u>	<u>J. Loureiro</u>	<u>DEQE & Conserv. Comm.</u>
<u>Revised plan initialed and dated</u>	<u>8/14/86</u>		<u>Conservation Commission</u>

Special Conditions (Use additional paper if necessary)

1. All permits required or applicable shall be obtained prior to commencement of any work.
2. All stabilizing material as outlined in the plan shall be in place before any work shall commence.
3. Any visible siltation downstream shall be avoided or work will cease until such time as situation is rectified.
4. Lowering of water in existing pond shall be done by controlled pumping only.
5. New berm (bank) shall be seeded as follows: 48.5% creeping red fescue, 29.1% kentucky, 9.8% annual rye grass, 4.8% ladino clover, 4.6% red top clover or equal.
6. Berm (bank) shall be mulched after seeding with straw or peg netting unless seeding is done by hydro method.
7. Any visible erosion of the berm (bank) shall be rectified and maintained to original grade.
8. New bypass channel shall be seeded with reed canarygrass, tall fescue, red fescue, redtop or equal.
9. Bypass channell shall be inspected and maintained so as to be clear of brush and debris at all times.
10. During dry conditions, in order to maintain optimum flow downstream, approximately 50% or more of the flow into the pond shall be diverted to bypass channel.

(Leave Space Blank)

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Issued By Worthington Conservation Commission

Signature(s) Ronald B. Woodland
Harold P. Landry SK Shepherd
Paul J. Beech
J. D. Soley

The Order must be signed by a majority of the Conservation Commission.

On this 21 day of August 19 86, before me personally appeared Worthington Conservation Commission, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Bruce D. Mason July 30, 1987
Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any ten residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Worthington Conservation Commission prior to commencement of work.

To Worthington Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Old Post Road

File Number 350-4 has been recorded at the Registry of Deeds, Hampshire County and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on 25 August 19 86

If recorded land, the instrument number which identifies this transaction is #19538

If registered land, the document number which identifies the transaction is _____

Signature [Signature] John B. Howard, Attorney for Applicant

Aug 25 1986 at 4 o'clock and 19 minutes P.M. Rec'd, ent'd and

(MONTH) (DAY) exam'd with Hampshire Reg. of Deeds, Book 2792 Page 132

Attest _____