

Whately Conservation Commission
Wednesday, June 19, 2019
Whately Town Offices, 4 Sandy Lane, Whately MA 01093

Commissioners present: Andrew Ostrowski, Ann Barker, Montserrat Archbald, George Owens, and Scott Jacskon (Chair)

Commissioners absent:

Others present: Anthony Wonseski (SVE), Richard & Flora Chamlin, and Richard Korpiewski

Meeting convened at 7:00 p.m.

1. Notice of Intent submitted by the Town of Whately for regrading of 1.3 acres of the existing grass field at Herlihy Park for use as a Youth Softball and Soccer field. The public hearing was convened at 7:00 pm. A site visit for this project had been conducted on June 19, 2019. Anthony Wonseski presented the project. Q&A and a brief discussion followed. The Commission voted unanimously (5-0) to close the hearing and issue an Order of Condition permitting the project without special conditions.

2. Violations of the Wetlands Protection Act.

Mowing along the West Brook near Westbrook Road. George Owen reported that he had observed that mowing had occurred along an approximately 50-foot section of the West Brook, near Westbrook Road. After conferring with Commission Chair Jackson, George stopped by and spoke to one of the property owners, Flora Chamlin. He explained that the mowing constituted a violation of the MA Wetlands Protection Act and requested that they attend this Conservation Commission meeting to discuss the situation with the full Commission. Richard and Flora Chamlin appeared before the Commission and explained that they were attempting to control invasive plants, specifically multiflora rose. The Commission expressed approval of their objective and explained that even ecological restoration projects within 200 feet of a perennial stream like the West Brook must be permitted by the Conservation Commission. The Chamlins agreed to seek Commission approval before any other work within the Riverfront Area. The Commission decided that no further action was required.

At its May 15, 2019 meeting the Commission voted to issue an Enforcement Order to Kevin Komosa for violations of the MA Wetlands Protection Act, specifically 1) discharge of contaminated water from washing vehicles into a regulated stream and 2) cutting and removal of vegetation within 100 feet of a Bank resource area associated with a regulated stream. Commission Chair Jackson reported that he decided it would be best to hold off on issuing an Enforcement Order and instead sent Mr. Komosa a Notice of Violation letter. Jackson explained if Mr. Komosa continued to violate the Act, the Commission could proceed with the issuance of an Enforcement Order. The Commission ratified the Chair's decision to defer issuance of the Enforcement Order and approved the sending of a Notice of Violation letter (a copy of the letter is on file).

3. Informal Consultation. Richard Korpiewski addressed the Commission with a request for guidance on how to deal with beaver-related flooding of his agricultural fields. Mr. Korpiewski was advised that cleaning agricultural ditches back to their original contours, repairing bridges, and maintaining the flow of natural waterways were all exempt from the MA Wetlands Protection Act, provided that they were necessary for the raising of agricultural commodities for commercial sale. The Commission also suggested that Mr. Korpiewski investigate the possibility of using a beaver flow device ("beaver deceiver") as a potential long-term remedy for the flooding.
4. The Commission voted unanimously (5-0) to accept minutes from the May 15th meeting.

5. The Commission reviewed the mail.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,
Scott Jackson