

Whately Conservation Commission
Wednesday, May 15, 2019
Whately Town Offices, 4 Sandy Lane, Whately MA 01093

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

Commissioners absent:

Others present: Amy & Jonathan Lavallee, Mark Wamsley (Kestrel Land Trust)

Meeting convened at 7:03 p.m.

1. Lavallee RDA for construction of a barn on 171 State Road. A site visit for this project was conducted on May 7, 2019. Amy and Jonathan Lavallee presented their project. There was a brief Q&A and discussion. The Commission voted unanimously (5-0) to issue a negative Determination of Applicability with one condition: "Use silt fence or other erosion control sufficient to prevent sediment from entering the stream/ditch."
2. Ratification of Emergency Certification issued for repair of a septic pipe at the White Birch Campground. In response to an emergency declaration by the Board of Health, Commission Chair Jackson conducted a site visit of the White Birch Campground on May 7, 2019 and issued an Emergency Certification on May 9, 2019 permitting the owners of the campground to repair a pipe transmitting septic water from septic tanks to the leach field. The Emergency Certificate contained the following condition: "Erosion control sufficient to protect adjacent wetlands must be in place prior to any excavation." The Commission voted unanimously (5-0) to ratify the action taken by the Chair. The Chair reported that the repair work had been completed.
3. MA Wetlands Protection Act violation on Masterson Road. The Commission discussed a violation of the MA Wetlands Protection Act that took place at 92 Masterson Road, on property owned by Kevin Komosa. The violations were 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. The Commission has received multiple reports of the landowner washing trucks and allowing the contaminated water to flow into the adjacent stream. Following up on a report, Commission members observed that someone had cut and cleared all vegetation in the buffer zone to the adjacent stream, all the way to its banks. Representing the Commission, George Owens had previously spoken to Mr. Kosoma and the truck washing and did not get a receptive or cooperative response. The Commission then voted unanimously (5-0) to issue an Enforcement Order to Mr. Kosoma indicating that he should cease and desist from any activity affecting the buffer zone and/or stream. The Chair (Jackson) indicated that he would write a cover letter to accompany the Enforcement Order and mail it to Mr. Komosa.
4. Other Business: Mark Wamsley from the Kestrel Land Trust met with the Commission to discuss cooperating on a land protection project in Whately Center. Scott Jackson excused himself from the discussion due to potential conflict of interest related to his service as Chair of the Kestrel Land Trust Board of Trustees. Mark discussed the property, currently owned by Chuck Dauchy, and Kestrel's proposal for protecting the property using grant funds and Whately Community Preservation Act (CPA) funding. Andy Ostrowski (the Commission's representative on the Community Preservation Committee) informed Mark about the procedures and timeline for making a request for CPA funds. The idea proposed by Mark was that Kestrel would own the land and the Conservation Commission would hold a Conservation Restriction (CR) on the property. Mark agreed to share examples of similar CRs with the Commission. Montserrat Archbald agreed to be the Commission's point of contact for Kestrel. As such, she will receive materials from Mark and share them with the other Commission members.

5. The Commission voted unanimously (5-0) to accept minutes from the April 17th meeting.
6. The Commission reviewed the mail.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,
Scott Jackson