



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
Telephone: (508) 234-0817
FAX: (508) 234-0814**

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NORTHBRIDGE TOWN CLERK
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Meeting Minutes June 24, 2015

Joy Anderson, Andrew Chagnon, Bill Dausey and Jeremy Deorsey were present. Justin Arbuckle and Gerry Ouillette were absent. Barbara Kinney, Administrative Assistant was also present.

Mr. Chagnon opened the meeting at 7:00PM.

Citizen's Forum

Burdon Pond Dam – Howard Fease left a copy of the materials from Dam Safety that he received regarding the length and the width of the pond. Mr. Chagnon explained that any changes that are a permissible activity, such as raising or lowering the water above or below the spillway, Mr. Fease would need to get permission from the Department of Environmental Protection (DEP) and the Conservation Commission (NCC). The NCC asked Mr. Fease to provide the NCC with anything that he thinks supersedes this. He can always appeal it to DEP. Mr. Fease stated that he is going to court tomorrow. July 7, Part 2 is the Court date with Mr. Fease. Mr. Chagnon stated he is not sure the judge can supersede the Wetlands Protection Act (WPA). The NCC is under the understanding from DEP that water rights are separate from the WPA. DEP treats resources areas as they are today and not what it was in the past. Mr. Chagnon recommends to Mr. Fease that if he thinks the NCC is outside their jurisdiction, then he may file an appeal to DEP with proof. Per Mr. Fease, the fact remains that the pond's time is limited and it will not make the summer.

(02-RDA-2015) 1405 Quaker Street (Map 28, Parcel 6)

Proposed harvesting of timber from the wooded wetland lot associated with the property. The timber collected (3 to 5 cords) will be used for the sole purpose of a primary heating source of the dwelling. The applicant is Melissa Fossbender, 1405 Quaker Street, Northbridge, MA 01534.

There was no one present for the Public Meeting. Ms. Kinney will contact her that the Public Meeting has been tabled to the next meeting.

(03-RDA-2015) 279 Douglas Road & Adjacent Site(s) (Map 3, Parcels 119, 120, 122, and 123)

To determine whether the area depicted on plan is an area subject to the jurisdiction of the Wetlands Protection Act (WPA), whether the boundaries of the resource area(s) are accurately depicted and whether the work depicted on the plan is subject to the WPA and / or the Town of Northbridge Wetlands Protection Bylaw. The applicant is Shelley Buma, 40 Heritage Drive, Whitinsville, MA 01588.

Shelley Buma from the Citizen's for the Preservation of Northbridge (CPN) explained that she submitted this Request for Determination of Applicability (RDA) with respect to the proposed project that has been in discussion. Ms. Buma explained the materials she submitted. There is snow storage and trucks going into the buffer zone to get to the leachate tank.

Back in April 2015 the NCC suggested that a NOI be filed for the proposed new work. Mr. Chagnon stated that this RDA is a new wrinkle to the project, but he is not sure how to answer or determine the RDA, however, it needs to be done. The NCC needs to determine if it is new work or if it is included under the existing Order of Conditions (OOC). The 2014 plan does not reflect existing topography per Ms. Buma.

In 2012, snow storage, mulch, and the leachate tank were not on the plans, however, it is on the new plans. Mr. Deorsey stated that in his opinion the leachate tank is not in the NCC jurisdiction. The access was explained in detail to better understand the leachate tank and the impact it would have to the buffer zone.

Mr. Chagnon gave Rob Knapik some latitude but asked him to keep it brief. Mr. Knapik stated that from the discussion, he gleaned that there is an approved site plan and it is difficult to read the plan in the materials submitted by Ms. Buma. Mr. Knapik said there are no secrets. There is an application before the Planning Board for a composting facility. DEP is eliminating food waste from the mainstream trash of +/-1,600 establishments (food waste ban).

The four main elements to the facility is the tipping building (two trucks per day) with negative ventilation and the door will be closed even when the truck is in the building. The tank will be emptied as needed (more than two days). The truck will have a suction device. There will be an apron around the leachate tank to collect any spillage. The food waste will be mixed with wood chips and moved to the drum. The drum will turn slowly and it will take about 5 days for the food waste and wood chips to become compost. The facility will operate every day (bringing in food waste and taking out compost). The discharge building will also have negative ventilation and will be connected by ducts and fans. The compost will be stored at a remote location offsite (now in Uxbridge). The bio-filter will percolate through perforated pipes to purify the air up through the wood chips. The process has been submitted to the Planning Board. The moisture will be controlled. Any excess moisture will be collected if needed. Moisture will probably be added though, per Mr. Knapik.

They may need to file a new Notice of Intent (NOI) or amend the open OOC, per Mr. Knapik. The RDA submitted was not need to determine that. They are waiting to see what the determination will be from the Zoning Board of Appeals (ZBA), as the Building Inspector determined that it was not an allowed use, and what the Planning Board (PB) determines before coming to the NCC. The snow and mulch stockpiles are already permitted, as the open OOC is approved for an outdoor storage area, per Paul Hutnak.

To recap, there was an acknowledgement that a new NOI or an amended OOC may be needed but not determined yet, the snow storage and wood chip piles in the buffer zone and the trucks in the buffer zone to and from the leachate tank which is outside the buffer zone as depicted on the plans may already be permitted under the existing OOC.

A determination needs to be made whether a new NOI (however, the concerns may already be covered by a NOI already) or an amended OOC will be needed.

Mr. Chagnon stated this is an estoppel. The NCC is all in agreement that the wood chips are permitted under the existing NOI, the snow storage is permitted under the existing NOI and that the leachate tank access is NOT permitted under the existing NOI.

Motion made by Mr. Deorsey and seconded by Mr. Dausey to issue a negative determination for the composting facility for snow storage, wood chip storage and the leachate tank. There was a discussion about whether that is exactly what the NCC wants. Mr. Chagnon amended the motion to issue a negative determination for the snow storage and wood chip storage and to issue a positive determination for the leachate tank access. The NCC voted 4-0 to approve the amended motion.

Douglas Road (Adjacent to 279)
Review / Discussion (Continued)

Mr. Chagnon read into the record the Email from Maryann Dipinto of DEP. The email stated that a project can be approved on one set of plans over two properties. Mr. Knapik and Mr. Hutnak grappled with the question and sought clarification from DEP. WGM Fabricators submitted plans for work on Douglas Road Trust property.

There were no changes to the drainage. Mr. Hutnak reviewed the drainage on both properties and submitted a letter dated June 24, 2015. Mr. Knapik and Mr. Hutnak met with Marielle Stone and Maryann Dipinto from DEP on how to approach to answer the concerns. Snow storage and wood chip storage was approved under the previous filing for outdoor storage. Both sites meet stormwater management standards and what has been done and will be done is under a valid Order of Conditions. Mr. Hutnak is a professional engineer and stated that there is no increase to any peak discharge offsite and it is treated to stormwater standards.

Ms. Buma said the stormwater controls should be built first, yet the detention basin is not build yet and the DEP file number is not posted. The NCC needs in writing that the erosion controls are installed and inspected and that nothing is going to the resource area. The DEP file number needs to be posted tomorrow. These are separate issues from the changes that are before the ZBA and PB. A NOI may be needed, but not right now. The NCC all agree that no further action is required at this time.

(248-623) Lot 38 Joseph Circle (The Camelot) (Map 16, Parcel 253)

Proposed construction of a single-family dwelling, installation of utilities and associated site work. The applicant is J & F Marinella Development Corp. represented by Andrews Survey & Engineering, PO Box 312, 104 Mendon Street, Uxbridge, MA 01569.

There was an error with the abutters list so the applicant's engineer has requested a continuance so the correct abutters can be notified.

Motion made by Mr. Dausey and seconded by Ms. Anderson. The NCC voted 4-0 to continue the Public Hearing to July 8, 2015 at 7:05PM.

Old / New Business**19 Border Street – Site Visit Follow-Up**

The NCC reviewed this and determined that they are all set with this complaint. It is mostly for the neighbor. (See below).

11-13 Border Street – Cease Letter

Eric Soto was present at the meeting per the NCC request. Mr. Dausey explained that a complaint was received of work in the area. The work done is on a backyard and driveway to park cars. The dirt put on the side of the patio is to build it higher (some right near pond) to try and level the area. Anything close to the water front is under the WPA and the NCC jurisdiction. Mr. Soto stated there is nothing down at the waterfront; all is outside of the 50 foot buffer. He just wants to level the backyard so it does not puddle.

He potentially can do this, but it will require a permit. Mr. Soto stated he received permission from the WWC in the past (+/- five years ago) to clean up the bank and make it look nice. Mr. Chagnon explained that the jurisdiction of the NCC is 100 feet from the pond under the WPA and any work requires a permit from the NCC. There is mulch along the water's edge over dirt. The NCC stated that this is fine as mulch keeps the area clean (acting as a filter). A WPA Form 1 (Request for Determination of Applicability) was given to Mr. Soto to fill out and submit if he plans to do any further work.

Enforcement Actions

None

Minutes

There are no draft minutes to approve at this meeting.

Executive Session

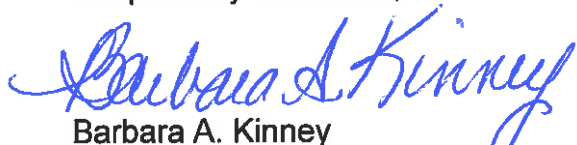
None

Other

The NCC members present performed administrative tasks (signed Orders, etc.) that were needed.

Motion made by Mr. Deorsey and seconded by Ms. Anderson. The NCC voted 4-0 to adjourn the meeting on or about 9:04PM.

Respectfully submitted,



Barbara A. Kinney
Conservation Administrative Assistant

DATE APPROVED:



CONSERVATION MAIL LIST

ADDITIONAL DOCUMENTS USED AT MEETING

- December 10, 2014 NCC Minutes
- Letter dated 6/24/15 from Andrews Engineering Regarding Project Update of Douglas Rd Industrial Realty Trust (248-591) and WGM Fabricators, LLC (248-620)
- 2 Pages of Materials From Dam Safety Given to Mr. Fease Regarding Burdon Pond.
- 5 Pages From Shelley Buma of Aerial and Plans of 279 Douglas Road (Adjacent to)