



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

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

Meeting Minutes August 20, 2014

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

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

Citizen's Forum

Dale Dunne of 1423 Quaker Street is proposing to use a backhoe to clean / reclaim the north side of his property. The wisteria vines have taken over the pine trees. He will pull what he can by hand, however, there is poison ivy there too. He will clear the brush and debris on the west side of the property. He will go right to the edge of the cliff that drops off to the Blackstone River and adjacent wetlands. Mr. Dunne stated that he does not use chemicals so the area(s) are overgrown now. He will pull the materials away from the wetland and dispose of them. The overgrowth has been from the last two to three years. He will not change the ground contour and will clean up the wood pile that has been there for about 15 years. He wishes to place a 12 x 24 foot shed at the second opening in the stone wall. He will also scrape and top the driveways as the driveways are crappy stone now and they have never been topped. All work is in previously disturbed areas.

Mr. Chagnon explained that the Conservation Commission (NCC) has basically three options: no formal filing is needed, a Request for Determination (RDA) will need to be submitted or a Notice of Intent (NOI) will need to be submitted.

The NCC feels that a RDA should be submitted and Mr. Arbuckle will need to do another site visit to make sure the clearing is in the area that was proposed at the initial site visit that Mr. Arbuckle had attended. Ms. Kinney gave Mr. Dunne the RDA forms to fill out and submit.

Old / New Business

(02-RDA-2010) 108 MacArthur Road . Amend DOA

Linda Lacki of 108 MacArthur Road submitted some hand drawings and a narrative of the history of the project and the changes that she wishes to make. The concerns started when she wanted to add a three season porch to her dwelling and found out that a Certificate of Compliance (COC) had never been issued for the original dwelling. In 2007, she pursued and received the Certificate of Compliance.

In recent years, she has come to the NCC to install a retaining wall. She has had some family issues so the retaining wall has not been built yet and so she requested and received an extension for the open RDA.

The driveway is having problems now. There are also safety and erosion issues in the front yard. Ms. Lacki has tried several different options, but nothing has worked.

Ms. Lacki hired an engineer to put the retaining wall where it is shown on the original plans. A survey was done this past Friday by the engineer to stake out the property. In the back of the dwelling, according to the plans, there should be at least 23 feet to the wetland edge according to the plans, however, there is only three feet in the back of the dwelling from the closest point. Fill was put in when the dwelling was built and that supports the driveway, garage and three season porch. It is 14 to 17 feet into the 35 foot no disturb zone. There is only eight feet to the wetland edge to put the retaining wall and erosion controls. If she only has three feet in the back, there is no access to the three season porch and there is no yard. If she doesn't install the retaining wall, then the garage, porch and driveway will be compromised. Ms. Lacki has no recourse at this point with the builder because the statute of limitations has run out. The retaining wall will now need to hug the top of the slope. The length of the retaining wall will be about 140 feet.

The NCC stated that she will need to submit a NOI and plans showing from the back of the dwelling to the wetlands and include any area where work is to be done in the jurisdictional area.

Burdon Pond Dam - Discussion

Howard and / or Andrea Fease were not present. The NCC moved this item to Executive Session.

Enforcement Actions

None

Minutes

February 12, 2014

Motion made by Mr. Chagnon and seconded by Mr. Dausey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Deorsey abstained) to approve the minutes of February 12, 2014 with changes.

February 12, 2014 (Executive Session)

Motion made by Mr. Chagnon and seconded by Mr. Dausey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Deorsey abstained) to approve but not release the Executive Session minutes of February 12, 2014 as written.

May 28, 2014 (Executive Session)

Motion made by Mr. Chagnon and seconded by Mr. Deorsey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Dausey abstained) to approve but not release the Executive Session minutes of May 28, 2014 as written.

July 9, 2014

Motion made by Mr. Chagnon and seconded by Mr. Deorsey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Dausey abstained) to approve the minutes of July 9, 2014 with changes.

July 23, 2014

Motion made by Mr. Chagnon and seconded by Mr. Deorsey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Dausey abstained) to approve the minutes of July 23, 2014 as written.

July 28, 2014

Motion made by Mr. Deorsey and seconded by Mr. Dausey. The NCC voted 3-0-2 (Mr. Ouillette and Mr. Chagnon abstained) to approve the minutes of July 28, 2014 as written.

Other1405 Quaker Street

Dale Dunne of 1423 Quaker Street wanted to let the NCC know that he has also contacted the Department of Environmental Protection (DEP) regarding his concerns at 1405 Quaker Street. DEP told him that they will wait and see how it is resolved and may get in touch with the NCC. The NCC will draft a letter to the owner at 1405 Quaker Street and ask them to come to a meeting and discuss these concerns.

Quaker Street Landfill

The NCC reviewed the memo from the Board of Health dated August 12, 2014 and offer the following clarification. The applicant has been before the NCC several times **informally** for discussion. The NCC has not offered any opinion on the project. Specifically regarding #11, the NCC has **NOT** given preliminary approval of the proposed grading and the NCC is under the understanding that the fill would be uncontaminated as presented to them informally. The NCC will draft a memo and send these clarifications to the Board of Health.

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

Executive SessionMGL Chapter 30A, Section 21, #3 Litigation

Motion made by Mr. Dausey and seconded by Mr. Chagnon. Upon roll call vote, the NCC voted 5-0 to adjourn the open meeting on or about 9:03PM and enter into Executive Session to discuss potential legal action under MGL Chapter 30A, Section 21, #3 Litigation and will not return to open session.

Respectfully submitted,

DATE APPROVED:

Barbara A. Kinney
Conservation Administrative Assistant