



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
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Meeting Minutes April 10, 2013

Joy Anderson, Andrew Chagnon, Bill Dausey, John Brown and Justin Arbuckle were present. Cheryl Peckham was late. Terry Bradley was absent. Barbara Kinney, Administrative Assistant was also present.

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

Minutes

March 13, 2013

Motion made by Mr. Dausey and seconded by Mr. Chagnon. The Conservation Commission (NCC) voted 5-0 to approve the minutes of March 13, 2013 as written.

Cheryl Peckham arrived.

Citizen's Forum

Derek Bender of 354 Moon Hill Road stated that there is a creek that runs alongside his property and he wishes to remove some trees that are in the 100 foot buffer zone that are leaning towards the house. He wants to know what he needs to do to get approval from the NCC. Other trees have already fallen when the property was under previous ownership. He is looking to remove approximately 20 trees and 10 of them are leaning towards the house. They are about 80 to 100 feet high. A tree service company will perform the work. Mr. Chagnon stated that this falls under the Wetlands Protection Act and that at least a Request for Determination of Applicability (RDA) will need to be filed. However, a Notice of Intent (NOI) would probably be needed. The NCC will need to know how much impact removing that many trees would have on the wetland. Mr. Chagnon recommended that Mr. Bender get copies of both applications, look them over and proceed from there. Ms. Kinney provided Mr. Bender with a copy of both applications.

Old / New Business

(05-RDA-2005) West End Dairy / Creamery – Proposed Project(s) Discussion

Greg VandenAkker presented the proposal that he wants to move the tire mountain that is located within the 100 foot buffer zone (86 feet away) to a new location that is outside the 100 foot buffer zone and flood zone. He will just pick up the tires and sand and move them to the new location. It was constructed last year with no impact to the resource area. There will be no impact to the resource area during removal. It is all on the surface of the ground. An excavator will pick up the tires and scoop up the sand. Wattles are already in place as it is part of the peddle carts attraction. The existing location will be turned back into a field as part of the corn maze. Mr. VandenAkker then pointed out on the flood maps where the tire mountain is located now and where he wishes to move it. Mr. Chagnon stated that removal of the tire mountain from the buffer zone is a good thing.

A resident asked if any grading would be done and there is no grading to be done.

Another resident stated that there is a bylaw against bringing tires into town. The NCC stated that there are no regulations under the NCC regarding bringing tires here. Mr. Chagnon stated that this property is zoned for agri-tourism so it is a permitted use. Denis LaTour, 88 Linwood Avenue, stated that the bylaw says you cannot dispose of tires in town, but you can use them for playground purposes. Herman Nydam, 8 Burdon Street (Sutton) stated that the bylaw was put into effect years ago because a farm was burying truck loads of tires coming from Boston.

Mr. Chagnon recommends that no further action is needed. The surveyor is to make sure the tire climb is outside the 100 foot buffer zone and floodplain in case there is an appeal or complaint in the future. If the 100 year floodplain is filled, then compensatory storage will need to be provided in the same floodplain unless it can be proven that there will be no negative impact to flooding downstream.

Howard Fease, 248 Purgatory Road, stated that he will be removing stumps, etc. per the work that needs to be done for Dam Safety. The NCC scheduled a site visit on Saturday, April 27, 2013 at 8:30AM.

Mr. VandenAkker asked the NCC to be certain to inspect the debris at the dam because there is lots of damage to the pond. He then gave a history of what has transpired there so far. The debris is acting like a natural flashboard. He reminded everyone that the flashboards were installed and flooding occurred. DEP ruled that the flashboards be taken out and must stay out per the injunction. The pond level now is on the way up and Mr. VandenAkker wants to know why the debris is building up and Mr. Fease is not maintaining the area. Worcester Superior Court stated that Mr. Fease is not allowed to raise the water level and Dam Safety says that Mr. Fease is not allowed to let the debris build up.

Mr. Fease said the injunction states that he is not to do anything to violate the Wetlands Protection Act and it is nothing to do with the flooding of property(s). Mr. VandenAkker states that the water level must be at 326 feet or below. Mr. Fease states that the debris is a beaver dam and he cannot touch it. Ms. Kinney mentioned that the beaver regulations may have changed and Mr. Fease should look into it. The NCC will inspect the debris and discuss it further at the site visit.

Linda Dzicek of 16 Carr Street (Sutton) states that the water is stagnant, her land is garbage and she has no say. She can't afford an attorney. Fertilizers and pesticides are entering the water from the farm. Mr. Chagnon recommends she contact DEP because this is an active case under them and Dam Safety. He also said that if the NCC decides something and she disagrees, she can use the appeal process.

Mary Partridge, 275 Purgatory Road, stated that she is glad the NCC is coming to look at the dam as her property gets flooded. She is between the dam and the VandenAkkers'. They had to get flood insurance and the water is not stagnant. The NCC will look at her property after the dam site visit. Mr. VandenAkker questioned the suggestion to defer to dam safety and could the NCC override that. Mr. Chagnon explained that even if dam safety requires Mr. Fease to do any work on the dam, he will still need to file with the NCC.

Cary VandenAkker, 212 Purgatory Road, stated that the beaver lodge is on the far opposite end of the pond. It is just plain debris at the dam. He works at West Hill Recreation area and knows what a beaver dam looks like.

Elsa Mason (Whitin Garden Club) - Request For Equipment Discussion

The NCC reviewed the proposal for what Stuart DeJong wishes to buy and the NCC will make a recommendation to the Board of Selectmen. Mr. Chagnon states that the request seems reasonable and the NCC should approve the expenditure request for the full price and then if Mr. DeJong can purchase the items on sale so much the better. Mr. DeJong will revise the proposal for the full price and provide it to the Conservation Office.

Motion made by Mr. Chagnon and seconded by Mr. Arbuckle. The NCC voted 6-0 to approve the purchase request from the Elsa Mason fund.

(03-RDA-2009) 579 Highland Street – Confirm Filing Of New RDA For An Addition

James Daigneault explained that an RDA was filed for the last addition and it is a previously disturbed area. The NCC said that filing an RDA would be sufficient for the proposed addition on the other side of the house.

(248-560) Lot 3 Quaker Street – Discuss Changes To Plan Approved

The new owner wants to change the approved plans by moving the end of the driveway so a garage under can be done and the house will also be shorter than the one approved. The original Order of Conditions was never recorded at the Registry of Deeds. The Commission explained that a new Notice of Intent will need to be filed and the changes should be shown on the new plan. The original Order of Conditions can be used for guidance. Ms. Kinney will provide a copy of the original Order of Conditions and the blank Notice of Intent form to the applicant.

(248-513) Lot 35 Roosevelt Drive (Presidential Farms) – Modification Of Location Of Proposed Dwelling

Craig Holmberg of Guerriere & Halnon discussed moving the proposed house forward on the lot by 100 feet. It will be more out of the buffer zone and the owner only wants a small front yard. The proposed bikeway will be to the left of the property, but has not yet been constructed. The limit of disturbance will be the same at the front of the property. There will be less disturbance overall and less disturbance to the buffer zone as well. The NCC discussed issuing an amendment to the Order of Conditions.

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 6-0 to issue an amendment to reflect the changes in Lot 35 Roosevelt dated April 2, 2013.

(02-RDA-2010) 108 MacArthur Road - Request For Extension To Determination Of Applicability (DOA).

The applicant is requesting an extension to the DOA to build the retaining wall due to family issues that have prevented her from starting the project.

Motion made by Ms. Peckham and seconded by Mr. Chagnon. The Commission voted 6-0 to extend the expiration of the DOA by one year.

Ecological Consulting – Discussion

The Commission discussed the document submitted and will keep it on file in case it is needed in the future.

Mr. Arbuckle needed to leave early.

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

Motion made by Ms. Anderson and seconded by Mr. Dausey. The NCC voted 5-0 to adjourn the meeting at or about 9:00PM.

Respectfully submitted,

DATE APPROVED:

Barbara A. Kinney
Conservation Administrative Assistant