



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
Telephone: (508) 234-0817
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Meeting Minutes April 24, 2013

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

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

Citizen's Forum

Kimball Moore was present to discuss the forest cutting plan for 180 Kelly Road. No cutting has been done yet. A resident had inquired about the crossing of the wetland to get to the area to cut the trees. Mr. Kimball explained that they will put logs perpendicular to the skid road and then skid the material over the logs to protect the area from rutting. Mr. Kimball has all the state licenses.

Mr. Chagnon asked if there were any provisions for restoration. Mr. Kimball said they would put a Conservation seed mix down if needed. The crossing will be done when the area is the driest.

Mr. Bradley asked about the smaller area and if a crossing will be required and it will only need to be crossed in one shot. There will be hardly any impact there.

The Conservation Commission (NCC) asked about a start date. Mr. Kimball does not have an exact start date, but it will be more towards summer when it is dry. He will need to notify the DCR state forester when he wants to start. The NCC asked Mr. Kimball to notify the NCC too when the work commences so we have an opportunity to go look during the cutting. It will take approximately three weeks to complete the cutting once it has begun.

(248-597*) 379 Fowler Road (Map 21, Parcel 169)

Proposed construction of an attached garage and relocation of an existing soil absorption system. Work is within the 100 foot buffer zone of a Bordering Vegetated Wetland. Applicant is Gary Graziano represented by Civil Site Engineering, LLC, 128 West Hartford Avenue, Uxbridge, MA 01569.

Mike Yerka and Margaret Bacon from Civil Site Engineering were present. This Notice of Intent (NOI) is for a relocation and reconstruction of a septic system and the construction of an attached garage. The garage will mostly sit on already constructed pavement. There will be some slight additional pavement along the driveway edge. There are two buffer zones from opposite sides that overlap each other. All work will be outside the 50 foot buffer zones of each wetland. All work will be in a previously disturbed area (lawn). The existing septic system has been there since 1986-1987 +/- . The orange line on the plans is

the limit of disturbance. Hay wattles will be the erosion controls placed along the orange line on the plans.

Motion made by Mr. Chagnon and seconded by Mr. Bradley. The Conservation Commission voted 6-0 to continue the Public Hearing to May 8, 2013 at 7:05PM. (The Public Hearing cannot be closed until the DEP File # has been received). Mr. Chagnon told Mr. Yerka that he need not be present at the next meeting.

*Note: DEP file number was received on 4/26/13.

(03-RDA-2013) 354 Moon Hill Road (Map 29, Parcel 55)

Proposed removal of +/- 15-20 large trees and brush in several locations that are within falling distance of the dwelling, leveling of the yard, adding a sidewalk from the driveway to the front door and a path behind the dwelling. Applicant is Derek Bender, 354 Moon Hill Road.

Derek Bender of 354 Moon Hill Road wishes to remove 15-20 large trees around his dwelling and remove some brush as well. The front yard will be re-graded. All work is within the 100 foot buffer zone. The ground slopes toward the creek. There is no level yard and the side yard is fairly steep. The trees are 15-20 feet away from the edge of the wetland. Mr. Bender is not creating a new lawn area. The three trees in the front will have the stumps removed. The rest of the trees will be ground down. He has received estimates from several tree companies.

Mr. Arbuckle asked if the tree warden needs to review it. Mr. Chagnon explained that the tree warden only reviews trees in the right-of-way on town land. Mr. Bradley wanted to know if the area will be left to return to its natural state. Mr. Bender explained that there will be a cart path to his backyard area because there is a 15 foot drop behind his driveway.

Mr. Chagnon suggested a site walk. A site walk has been scheduled for Saturday, April 27, 2013 at 9:30AM.

Motion made by Mr. Dausey and seconded by Mr. Arbuckle. The NCC voted 6-0 to continue the Public Meeting to May 8, 2013 at 7:10PM.

(02-RDA-2013) 579 Highland Street (Map 17, Parcel 14)

Proposed +/- 28 foot by 29 foot addition to the right rear side of the dwelling on the level area. Applicant is James Daigneault, 33 Sacarrappa Road, Oxford representing the owners Melissa and Jesse Walker.

James Daigneault said that an addition to the dwelling is proposed on the opposite side of where the last addition was built. It will be on the level area. Mr. Chagnon asked about the wetlands, but there are no wetlands in the area where the addition is to be built. Mr. Daigneault then stated that the abutting property has been bought and a road may be constructed there (It was previously approved for a subdivision).

Motion made by Mr. Chagnon and seconded by Mr. Bradley. The NCC voted 6-0 to issue a negative determination.

MinutesApril 10, 2013

These minutes are tabled to the next meeting.

Old / New BusinessBurdon Pond Dam – Cease and Desist

Howard Fease was not present for this discussion. However, several neighbors were present and wished to voice their concerns.

Doug Partridge of 275 Purgatory Road purchased his dwelling in 1994 and has concerns from the last several years. He abuts Burdon Pond and the dam. He explained a bit of history that the dam owner placed flash boards on the dam and is now under a court order to keep the flash boards out. However, some damage has been done. Mr. Partridge's well could be ruined and trees have been killed on his property. Mr. Partridge then went on to explain that Mr. Fease has built up the rocks on each side of the dam and it appears that large logs have been thrown into the channel and debris collects raising the water level. The water is at least a foot higher than the spillway that is under court order. Mary Partridge of the same address states that it is not just the topping of the banks'; this also raises the water table. This higher water table is coming up through her yard and threatening her yard and her dwelling. Mr. Partridge stated that 10 days prior, there was a log in the channel and we received lots of rain that washed the log over the spillway. The next day the log was back into the channel with more logs and debris there now. He wanted to know if the NCC could do something or if he could go out in a row boat or waders and pull out the debris. He is asking because he does not want to break any laws. Mr. Partridge stated that he owns a portion of the land under the water. The debris barrier is accessible from his property.

Greg VandenAkker of 419 Purgatory Road abuts the Partridge property. He submitted earlier today a document outlining the timeline through DEP and Dam Safety the events taken place to-date. He then stated that there are numerous actions against Mr. Fease and it looks like he is doing an end run around the court order.

Mr. Chagnon asked if any witnessed the logs being placed.

Cary VandenAkker of 212 Purgatory Road did witness Mr. Fease and Steve Gambone along the shore with a rope, throwing it in and dragging the rope to pull debris, brush, etc. to the flow area over the water.

Mr. Arbuckle has noticed an increase in the level of debris this past weekend. Mr. Chagnon asked that Ms. Kinney notify DEP and Dam Safety and send them a packet of all the documents received to-date. The NCC suggested the residents contact DEP and Dam Safety with their concerns.

Mrs. Partridge stated that she has spoken to Dam Safety and they gave her a name from the environmental police to call. The environmental police told her that they are totally within their rights to pull the debris and to call the regional / local environmental police before doing anything so the environmental police can protect them.

The NCC asked Ms. Kinney to contact Paul Lukowski to find out if he witnessed anyone actually pulling the logs into the channel because he also called with concerns of the dam.

Greg VandenAkke has spoken to Bill Salomaa at Dam Safety and stated that they are not prepared to take action now. Mr. VandenAkke stated that basic inspections of the dam have not been done since 2010 and Mr. Fease has not paid a fine or complied with anything.

Mr. Brown is frustrated and concerned with the Partridge family's safety. For several days the office has been upside down with these issue(s). The NCC has been trying to find an answer or a way to enforce compliance. Mr. Chagnon stated that the NCC is concerned with the wetland resource area and how these issues are detrimental to that resource area. He can sympathize with the homeowners' concerns. Some things the NCC has control over and some things the home owners have to take control over (probably through an attorney). Mr. Chagnon will call Phil Nadeau at DEP and Bill Salomaa at Dam Safety. Mr. Partridge stated that he spoke to Mr. Salomaa at Dam Safety because the water level of the pond has changed.

Cary VandenAkke wanted to know at what point the Town considers this an issue because the debris could blow out, flood the road, etc. Ms. Kinney will send something to the Board of Health, Department of Public Works, Board of Selectmen, etc. voicing concerns. Mr. Bradley suggested that any correspondence from the residents be sent to DEP and Dam Safety with a carbon copy sent to the NCC as well, for our records. Mr. Partridge is grateful that the NCC let them air their concerns.

Greg VandenAkke stated he also owns land in front of the dam from Mr. Partridge's property to the channel; to the center of the spillway in front of the dam. He might be tempted to remove the debris himself. Mr. Chagnon told them not to touch the debris. Mr. VandenAkke will attest that the same log was on Steve Gambone's pickup truck two hours before it was in the water.

The NCC believes DEP has the greatest opportunity to force action. The NCC discussed whether or not to issue the enforcement order or what their next step would be. For now, they will make recommendations to DEP and Dam Safety. The site visit has been scheduled for Saturday, April 27, 2013.

Other

The NCC voted to allow the expenditure of up to \$1,000.00 from the Elsa Mason Fund for the gravel for the parking area. This recommendation will be sent to the Board of Selectmen.

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

Motion made by Mr. Dausey and seconded by Ms Anderson. The NCC voted 6-0 to adjourn the meeting at or about 9:03PM.

Respectfully submitted,

DATE APPROVED:

Barbara A. Kinney
Conservation Administrative Assistant