



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
Telephone: (508) 234-0817
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Meeting Minutes January 8, 2014

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

Mr. Brown opened the meeting at 7:05PM and welcomed Mr. Deorsey to the Conservation Commission (NCC).

Citizen's Forum None

(248-609) Leonardo Estates, 603 Highland Street (Map 17, Parcels 15 & 16)

Proposed construction of a roadway with a wetlands crossing, associated infrastructure and stormwater facilities for an 18-lot residential subdivision. The applicant is Terreno Realty, LLC represented by Andrews Survey & Engineering, Inc., 104 Mendon Street. Uxbridge, MA 01569.

Steve O'Connell of Andrews Engineering stated that the abutters were not notified due to an oversight.

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 6-0 to postpone the Public Hearing to the next meeting on January 22, 2014 at 7:10PM so the abutters can be notified.

(248-606) Lot 70 Roosevelt Drive (Presidential Farms), (Map 19, Parcel 309)

Proposed construction of a single-family dwelling and associated grading within the 100 foot buffer zone of Bordering Vegetated Wetlands. Applicant is Presidential Farms, Inc. represented by Guerriere & Halnon, Inc., 1029 Providence Road, Whitinsville, MA 01588.

Normand Gamache of Guerriere & Halnon, Inc. was present. He explained that there was an issue with notifying the abutters for these three lots so it needed to be re-advertised and reposted, etc. This has been accomplished and there were no abutters at the meeting. He explained the general idea of where the site is and gave a quick summary of what was discussed at the last meeting. The NCC requested markers and the revised plans show these markers. The closest limit is 47 feet from the wetlands.

Motion made by Mr. Arbuckle and seconded by Mr. Deorsey. The NCC voted 6-0 to close the Public Hearing.

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 6-0 to approve Lot 70 Roosevelt Drive at Presidential Farms. The plan was prepared by Guerriere & Halnon, Inc. with a final revision date of December 12, 2013.

(248-607) Lot 71 Roosevelt Drive (Presidential Farms), (Map 19, Parcel 310)

Proposed construction of a single-family dwelling and associated grading within the 100-foot buffer zone of Bordering Vegetated Wetlands. Applicant is Presidential Farms, Inc. represented by Guerriere & Halnon, Inc., 1029 Providence Road, Whitinsville, MA 01588.

Normand Gamache of Guerriere & Halnon, Inc. was present. He explained that there was an issue with notifying the abutters for these three lots so it needed to be re-advertised and reposted, etc. This has been accomplished and there were no abutters at the meeting. Mr. Gamache explained that 50% of the dwelling and 30% of the driveway will be constructed in the buffer zone. The markers are shown on the revised plan and will need to be built according to the NCC standards. The closest point of impact to the wetlands is 28 feet.

Motion made by Mr. Dausey and seconded by Mr. Arbuckle. The NCC voted 6-0 to close the Public Hearing.

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 6-0 to approve Lot 71 Roosevelt Drive at Presidential Farms. The plan was prepared by Guerriere & Halnon, Inc. with a final revision date of December 12, 2013.

(248-608) Lot 73 Roosevelt Drive (Presidential Farms), (Map 19, Parcel 312)

Proposed construction of a single-family dwelling and associated grading within the 100 foot buffer zone of Bordering Vegetated Wetlands. Applicant is Presidential Farms, Inc. represented by Guerriere & Halnon, Inc., 1029 Providence Road, Whitinsville, MA 01588.

Normand Gamache of Guerriere & Halnon, Inc. was present. He explained that there was an issue with notifying the abutters for these three lots so it needed to be re-advertised and reposted, etc. This has been accomplished and there were no abutters at the meeting. The revised plan shows the markers. The replication area is shown (and was completed as part of the roadway construction). Construction will be on less than one third of the property and the closest point of impact to the wetlands will be 26 feet.

Motion made by Mr. Dausey and seconded by Mr. Arbuckle. The NCC voted 6-0 to close the Public Hearing.

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 6-0 to approve Lot 73 Roosevelt Drive at Presidential Farms. The plan was prepared by Guerriere & Halnon, Inc. with a final revision date of December 12, 2013.

Minutes

June 26, 2013

No quorum to approve the minutes.

December 11, 2013

Motion made by Mr. Dausey and seconded by Mr. Chagnon. The Conservation Commission voted 4-0-2 (Ms. Anderson and Mr. Deorsey abstained) to approve the minutes of December 11, 2013.

Old / New BusinessJason Carmignani. Winter Water Level Drawdown Information on Ponds

The NCC reviewed the Email and responded that there are no winter water level drawdowns that they are aware of. However, Mr. Carmignani can contact the Whitinsville Water Company and confirm.

Christmas Tree Recycling. Schedule

Confirmed volunteer schedule and signs for the event.

Burdon Pond. Elevation Discussion

Howard Fease claimed to the NCC that the town approved in the past 324.3 feet (street level) but if he brings the water to that level it will flood the Partridge~~s~~ at 317.5 feet. He also sent an email outlining this.

Mr. Chagnon discussed the downstream side of the pond if the level is over 317.5 feet. Mr. Fease explained that if the water is at the spillway level it is 10 inches higher. The benchmark would be a 15.3 foot drop. Mr. Chagnon is trying to wrap his head around the situation and asked more questions.

Mr. Fease wants to know what level would the NCC like. He will also need to ask Sutton Conservation Commission their opinion. Mr. Chagnon stated that it is not the NCC~~s~~ place or desire that we should say one water level over another and that the spillway elevation should be maintained. The water elevation will fluctuate with normal precipitation. The rest of the NCC agrees. If Mr. Fease would like a different level, then he would need to file a Notice of Intent (NOI) to change that level.

Mr. Fease stated that he is under court order to that level and it cannot be changed and there are other issues for land court to consider. Mr. Fease then stated that it is under an agricultural exemption. The NCC does not believe that the dam is under an agricultural exemption, but Mr. Fease could file a Request for Determination of Applicability for the NCC determine / decide the matter.

The NCC recognizes that work needs to be done on the dam, but Mr. Fease needs to come before the NCC for permitting before any work can be done. Per Mr. Fease, he has other issues so he has not filed with the NCC.

Mr. Chagnon is not sure if the plan that Mr. Fease is using is a certified operating plan that has the water level at 326 feet. Mr. Fease stated that this plan is from the 1940~~s~~ through 2006. Mr. Chagnon said that any number of plans could show different elevations.

Mr. Fease stated that the issues with water rights is in land court. Mr. Chagnon explained that NCC~~s~~ obligation under the Wetlands Protection Act is to have him file with us. NCC agrees that the improvements recommended in the dam safety report should be implemented, however, Mr. Fease still needs to file with NCC. Mr. Fease stated that the stump would be ground up instead of pulled out. Mr. Arbuckle applauded Mr. Fease for the work being done for Dam Safety, but he still needs permitting from us. Mr. Fease stated that in the spring he will be armoring the bank with interlocking stone and will come before us then.

Mr. Chagnon asked about the status from the meeting of several months ago on the fence (beaver deceiver) with the pipe that the NCC asked to be removed. Mr. Arbuckle asked for calculations / proof that the 15 inch pipe that Mr. Fease said was part of the beaver deceiver will not impede the dam. Mr. Fease said Mr. Chagnon wanted to know why it could not be removed. Mr. Fease said he would provide to the NCC the calculations that he received from the installer of the beaver deceiver and that the fence cannot be removed because it is in land court. Mr. Chagnon asked why Mr. Fease's sections cannot be removed. Mr. Fease stated that the fence on his side cannot be removed due to debris stacked against it.

A member of the audience stated that 20 feet of debris has been taken out at the beaver fence and the beaver are still trying to build a dam. The NCC reiterated that no filing with this office has been done and it should have been.

Mr. Chagnon stated that he has some experience with beaver dams and has never seen one that looked like that. He would like to be invited to see the dam / beaver himself. Mr. Fease stated that he is welcome anytime.

Mr. Brown said that there is a process to follow and this was not done so the problem arose that could have been avoided. Unfortunately, the installer of the beaver deceiver got mixed up in all of this. Mr. Fease stated that his plan is stamped and the house (Partridge) is in the way. Mr. Fease stated that at the rate this is going it is a problem and there will be no pond at the spillway.

Mr. Fease then asked about Greg VandenAkker and the pipe installed that has no permit for it and is in our papers. The NCC stated that they are unaware of any unpermitted installations.

The NCC stated that the spillway elevation should be maintained. Mr. Fease stated that the spillway is not the original water level. The spillway was rebuilt before Mr. Fease bought the property / dam and the water level was lowered when the spillway was rebuilt. The NCC reiterated that the spillway elevation should be maintained or a permit should be sought.

Enforcement Actions

(248-573) The Camelot . Cease and Desist

Steve O'Connell of Andrews Engineering was present and stated that they are working on the Notices of Intent to submit to the NCC.

The developer knows better. A lot has been cleared and foundation work has been done; all without permitting, per the NCC.

Per Mr. O'Connell, the silt fence was installed yesterday, however it is not in the correct spot and will need to be moved. Mr. O'Connell submitted the NOI for Lot 26 tonight. He then stated that it looks like more clearing has been done than there actually was because there was an existing cart path. However, not much clearing has been done.

Mr. Chagnon stated that the Marinellas are repeat offenders and were told the last time that if any issues arose the NCC would be looking for something above and beyond what was normally required of them. Mr. Chagnon would like to see a smaller yard and some buffer

zone replication. Also, the 100 foot buffer zone should be marked out for the rest of the development. Mr. O'Connell will have the revised plans for the opening of the Public Hearing on Lot 26 that will include less yard and the buffer zone remediation. The 100 foot buffer zone will be marked out for the rest of the development. There will be more NOIs coming for this project.

110 Eben Chamberlain Rd . Cease and Desist

Steve French was present and the NCC explained that trees have been cut within their jurisdiction without permitting. Mr. French stated that they were very tall trees that were in danger of falling during a storm. He cut them down and plans on replacing them in the spring. Mr. Chagnon explained that the NCC's jurisdiction is 100 feet off the wetland (known as the 100 foot buffer zone). Mr. French wanted to know if he could plant pines. The NCC agreed that replanting in the spring is a good solution. Poplar trees were cut down and there will be no additional cutting, per Mr. French. The NCC stated that the plantings cannot be invasive species, but pines are fine. The NCC will contact Mr. French in the spring (May) on the status of the plantings.

Executive Session

Under MGL Chapter 30A, S21 #3 . To discuss strategy with respect to litigation
Not needed at this meeting.

Other

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

Motion made by Mr. Dausey and seconded by Mr. Deorsey. The NCC voted 6-0 to adjourn the meeting on or about 9:30PM.

Respectfully submitted,

DATE APPROVED:

Barbara A. Kinney
Conservation Administrative Assistant