



TOWN OF NORTHBRIDGE

CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
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Meeting Minutes October 13, 2010

Wyatt Mills, Terry Bradley, Bill Freer and Cheryl Peckham were present. Andrew Chagnon was absent. Barbara Kinney, Administrative Assistant was also present.

Mr. Mills opened the meeting at 7:02PM.

Citizen's Forum

Jeff Allard is concerned about the Conservation Commission land and the safety of the neighbors that abut the property. He stated that the hunting rules imposed by the State require 500 feet from all residences. There are residents on Conservation Drive, the Whitinsville Retirement Society property as well as hikers, bicyclists and people gardening that are within 500 feet of the suspected hunting. He would like the Conservation Commission consider posting "No Hunting" signs. Mr. Mills stated that the Conservation Commission would need to establish some kind of policy that is promulgated through some public meetings. More research is definitely needed. The policy could not be just for one piece of property; it would need to encompass all or most of the conservation land. Mr. Mills is not sure, but it may also need to pass through the town meeting process. The policy would need to establish exactly what can and cannot be done on the property. Mr. Mills does not see any reason to take any action now as there is no direct evidence.

A representative of Gail DeMarco at 337 Hill Street stated that the Conservation Commission approved a plan for her awhile ago and now the footprint of the building is shrinking. There will be a small reduction in impact to the wetland. The Conservation Commission requests that a revised plan or something in writing be submitted to the Conservation Commission.

(NCCP201001) 305 Goldthwaite Road (Map 7, Parcel 82)

Proposed improvements and upgrades to an existing church building and parking lot within 100 feet of a wetland. The applicant is Fairlawn Christian Reformed Church represented by Yerka Engineering, LLC, 128 West Hartford Avenue, Uxbridge, MA 01569.

A letter to formally withdraw this application has been sent to the Conservation Commission.

Motion made by Ms. Peckham and seconded by Mr. Bradley. The Conservation Commission voted 4-0 to close the Public Hearing.

Motion made by Ms. Peckham and seconded by Mr. Bradley. The Conservation Commission voted 4-0 to accept the withdrawal of the Notice of Intent.

(248-573) The Camelot (Map 16, Parcel 28)

Proposed construction of a roadway, infrastructure and associated amenities for a 65 lot residential subdivision located off Hill Street and Hillcrest Road. The applicant is J & F Marinella Development Corporation represented by Heritage Design Group, 1 Main Street, Whitinsville, MA 01588.

Paul Hutnak of Heritage Design Group, Art Allen of EcoTech, Frank Marinella of J & F Marinella Development Corporation and Garret Tunison of Tunison Smith were present.

Mr. Hutnak stated that in order for the applicant to proceed with the modified plan, they would need to go back to the Planning Board for a modification approval. Since that is not how the applicant wishes to proceed, they have submitted revised plans including Phase IV to Tunison Smith for review. A comment letter from Tunison Smith has been received.

Mr. Hutnak stated that they would like to discuss the comments tonight and the applicant is looking to have the Public Hearing closed tonight and any remaining issues can be conditioned in the Order of Conditions. The developer is anxious to start on this project this Fall.

The crossing has been brought back into the plans. The roadway bridge does not fill any wetlands, but crosses over the wetlands. Jacking pits have been added on each side of the wetlands and will be used to sleeve the water and sewer under the wetlands. A Conservation member wanted to know what Plan B is if they encounter ledge. Mr. Hutnak stated that there are several types of jacking pits that could address any concerns. The Conservation Commission requests that a written action plan to address any concerns and a dewatering plan be submitted to the Conservation Commission for approval. The bridge height is listed as three feet and most standard bridge heights are six feet. The Conservation Commission requests that the bridge height be raised to six feet to accommodate the migratory pathways of the wetlands and vernal pool habitats. The vernal pools are nearby and the developer needs to follow the Army Corps Of Engineers Regulations. Mr. Hutnak stated that the approach to the bridge would create more fill in wetlands. Ms. Peckham said that the Conservation Commission would still want them to go to the six feet. Mr. Tunison suggests that the impact to the wetlands be determined by the bridge width and five feet

on each side of the bridge which will result in cutting and shading during construction. Mr. Allen agrees. Mr. Hutnak suggested native plantings when completed instead of the replications. Mr. Tunison stated that the replication needs to be done for the area under the bridge that will die / stay dry. Mr. Allen could find an alternate area for replication if need be. Ms. Peckham wanted to know the total amount of replication that is needed. The total to be replicated is 4,750 feet, which is the footprint of the bridge (40 feet by 95 feet) with five feet on each side. Ms. Peckham agrees with Mr. Tunison and the Conservation Commission bylaw is 2:1 replication. Mr. Hutnak stated that the replication can be done if needed. The Conservation Commission agrees that the replication needs to be done.

The other mitigation proposed is to enhance the upland area near the wetland.

The Conservation Commission regulations state that there is a 35 foot no disturb zone around the wetlands. Weirs are an exception, which does not include the earth work. However, there are detention basins that are 15 feet off the wetland and Mr. Tunison believes they should be further away. The Conservation Commission agrees with Mr. Tunison that the part of the structure that empties into the wetland is the only part that can be closer than 35 feet. The detention basin itself should be moved further away if possible. Mr. Hutnak stated that they need to be in that proximity to meet upland. He did try to stay 35 feet away wherever possible. Mr. Mills asked Heritage Design Group to take another look and whether some of the ponds could be reshaped to stay 35 feet away from the wetland. Mr. Hutnak stated that 2 ponds, basins 1 and 3, can probably be reshaped. The Conservation Commission wanted to know about the other six.

Mr. Hutnak wanted to know if certain things could be accepted prior to each phase. The Conservation Commission stated the answer is no because the project must be accepted in its entirety.

Five sheets of the plans have been revised so far. Mr. Hutnak wanted to know if the erosion controls shown on the plans are enough. The Conservation Commission will need the contact information for the erosion control monitor that will be onsite during construction. The Conservation Commission discussed conditioning the project to use a consultant to monitor the erosion controls for the project, especially if there are issues during the crossing construction.

Lot 34 has been created with no access to it. Per the Conservation Commission, it either needs to become a non-buildable lot or the configuration must be changed. The applicant created their own hardship so the access through the wetland cannot be approved. The Conservation Commission cannot approve the whole plan and have the applicant come back later with a separate Notice of Intent as they proposed to address this lot.

The Conservation Commission will start drafting the Order of Conditions. Mr. Tunison said he could assist Mr. Mills in writing the special conditions if needed.

Ms. Kinney will use the standard conditions list, the standard special conditions, the Tunison Smith letter and Ms. Peckham's list to start the draft of the Orders of Conditions.

Mr. Mills restated that at least two of the ponds need to be changed and all looked at, eliminate Lot 34 or reconfigure for another access, raise the bridge, and the replication areas are needed for the next meeting.

Motion made by Mr. Bradley and seconded by Ms. Peckham. The Conservation Commission voted 4-0 to continue the Public Hearing to October 27, 2010 at 7:10PM.

Documents Used: Tunison Smith letter dated October 12, 2010 and Heritage Design Group Letters dated September 3, 2010 and October 5, 2010.

Minutes

July 14, 2010

There was no quorum to vote on these minutes.

August 11, 2010

There was no quorum to vote on these minutes.

September 8, 2010

Motion made by Mr. Bradley and seconded by Ms. Peckham. The Conservation Commission voted 4-0 to accept the minutes of September 8, 2010 with changes.

September 8, 2010 Executive Session

Motion made by Mr. Bradley and seconded by Ms. Peckham. The Conservation Commission voted 4-0 to accept the Executive Session minutes of September 8, 2010 as written.

September 22, 2010

There was no quorum to vote on these minutes.

September 22, 2010 Executive Session

There was no quorum to vote on these minutes.

Old / New Business

Blackstone River Coalition – Mumford River Discussion

Peter Coffin was present from the Blackstone River Coalition. He is interested in the Mumford River and the four towns of Sutton, Douglas, Uxbridge and Northbridge that fall along this river. The three issues that he is concentrating on are: (1) the gas powered power plant in Milford that would need water for cooling from the Mumford River in times of drought where the Charles River becomes too low; (2) anyone can withdraw up to 100,000 gallons per day. In the past it

was authorized through the Whitinsville Water Company (WWC). However, there is no permit so the WWC does not do this anymore. However, the owners of the Linwood Mill could let anyone withdraw from their property. Mr. Coffin is exploring options to stop this and would like the Conservation Commission's help. The impact downstream needs to be proven before the withdrawal upstream can be stopped; and (3) the Douglas Treatment Plant needs 16 – 18 cubic feet per second (cfs) for dilution of the waste. The levels are read twice a day and sent to the State. The concerns are with what would happen if the Mumford River water level is lowered, for whatever reason, and the treatment plant cannot meet their 16-18 cfs (which would be a health issue) and the habitat downstream is compromised. Mr. Coffin went on to explain that it is a privilege to use the water, but the land under the water is not owned. In the past, the Whitin Reservoir and Manchaug Reservoir were managed well to keep the great resource, however, ownership has changed hands. Maybe a formal complaint needs to be submitted regarding the allowance of the withdrawal in time of drought. There should be a mandate regarding minimal flow or a release schedule.

Mr. Coffin is looking to create a regional task force in managing this as the State has no interest in managing this at this time. However, support would be required of the regional towns. The Northbridge Conservation Commission stated that they are definitely interested and want Mr. Coffin to do more research and report back to the Conservation Commission.

(248-266) Hills at Whitinsville Open Space – Discussion

There was no one present for this discussion. We will leave off future agendas until contacted by Heritage Design Group.

Christmas Tree Recycling Program – Discussion

The Conservation Commission will continue the Christmas Tree Recycling Program this year and Ms. Kinney will coordinate the event.

(04-RDA-2005) Church St. Extension – Extension of Determination of Applicability

Val Stegemoen and Jim Plasse of the Department of Conservation and Recreation explained that they came before the Conservation Commission about five years ago and was issued a negative determination. They would like an extension to this negative determination as they are just now receiving the funding (grant monies) to go forward with this project of repairing the riparian entry to the water. It will take about 18 months to complete and the project is basically the same with the only difference being that the existing landscape has changed slightly due to erosion. Mr. Stegemoen wanted to know what steps need to be taken as the negative determination has expired.

The Conservation Commission decided to draft an amendment letter extending the Determination of Applicability for three years and, once signed, the original

will be mailed to Mr. Stegemoen at the Blackstone Heritage State Park, 271 Oak Street, Uxbridge, MA 01569.

Other

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

Motion made by Ms. Peckham and seconded by Mr. Freer. The Conservation Commission voted 4-0 to adjourn the meeting at 9:32PM.

Respectfully submitted,

Barbara A. Kinney
Conservation Administrative Assistant