



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
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Meeting Minutes April 11, 2012

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

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

Citizen's Forum

None

(01-RDA-2012) Douglas Road (Map 3, APO 121[Lots 61 & 62])

Proposed clearing and grubbing of the two lots in preparation of a future building project. The applicant is Douglas Road Industrial Realty represented by Andrews Survey & Engineering, Inc., PO Box 312, Uxbridge, MA 01569.

Mr. Chagnon recommended that the letter from Citizen's for the Preservation of Northbridge dated April 11, 2012 be read into the record. He then read the letter out loud (see attached).

Paul Hutnak of Andrews Surveying was present and submitted a letter to the Conservation Commission regarding the wording "landward side of the water façade." He also stated that the deed of title goes back to the mill. The Conservation Commission still needs copies of the data forms and field report(s) from EcoTech. Mr. Hutnak also further researched the landward side of the waterside façade and read these findings into the record (attached). He would like to clarify a point from the last meeting that states only for the cities listed. The phrase, after the cities, modifies the cities that precedes it (there is no comma to separate). It is exempt per Mr. Hutnak. There is no retaining wall as it is the bank of a river.

Mr. Mills then continued the Abbreviated Notice of Resources Area Delineation (ANRAD) so that both could be discussed at the same time (see below).

Motion made by Mr. Chagnon and seconded by Ms. Schotanus. The Conservation Commission voted 4-1 (Mr. Mills no) to find a positive determination based on both sections of the language regarding being "situated landward of the waterside façade of a retaining wall, building, sluiceway, or other structure existing on the effective date of this act." and being "associated with" a historic mill complex as it is not "joined," "connected," or "fastened together" with the mill complex sited.

(248-584) Douglas Road (Map 3, A.P.O. Parcel 121)

Proposed delineation of wetlands using 50% or more wetland indicator plants, saturated/inundated conditions and hydric soil indicators. The applicant is Douglas Road Industrial Realty Trust represented by Andrews Survey & Engineering, Inc., PO Box 312, Uxbridge, MA 01569.

Page 9 of the case law addresses “associated with” and parts were read into the record. The riverfront area is not flagged and located because it is not the applicant’s land. The line on the plans is approximate to within a foot or two. It was visually located in the field.

Bill Cundiff, 68 Windsor Ridge Drive, commented that under the Request for Determination of Applicability (RDA) the applicant is seeking a negative determination and the Conservation Commission should issue a positive determination because the wetlands and riverfront area are on the property. He would like the plans updated with the riverfront line. Mr. Chagnon reiterated the Mr. Hutnak stated that this has not been done. Mr. Cundiff then asked the Conservation Commission to consider “but not limited to” with the landward wording as it is important.

Sue Lindsey, 226 Clover Hill Road, wanted to know the reasons for the exemption and whether it is preserving something. Mr. Mills explained the judge’s determination in a similar case and the Wetlands Protection Act and Rivers Protection Act. The applicant is using this interpretation for exemption of this property. Mr. Chagnon stated that this case law is associated with a development of the property and not preserving anything.

Eric Lofstrom, 61 Cliffe Road, wanted to know if there is any other judge’s interpretation of this wording. Mr. Hutnak stated that the only other judge’s review also supported this exemption and he did not submit it because it is not as detailed.

Rob Jassmond, 211 Clover Hill Road, is concerned with what is going on the property and what the use will be. Mr. Hutnak stated that anything to be done further will need to be submitted to other Boards / Commissions first. It is going to be a recycling facility. Mr. Mills stated that the concerns of use may be outside the purview of the Conservation Commission if it is outside the jurisdictional area.

John Phelan, 88 Hastings Drive, wanted to know more about the jurisdictional area(s). Mr. Chagnon stated that to the best of his knowledge the work already done is outside the jurisdictional area and the Conservation Commission needs to confirm agreement with the wetland line and determine if the property is exempt from the Rivers Protection Act.

A resident then asked what the decision(s) would be based on. Mr. Mills agreed with Mr. Chagnon that the riverfront area on the property and the freshwater wetland and buffer zone is what they need to be clear on. The decision to be made is on the exemption. The applicant will need to submit a Notice of Intent with the wetland area and whether there is an exemption or not on the riverfront area will change what they will propose to be done on the application.

Chris Caron, 164 Hastings Drive, stated that not every mill town has retaining walls. It does not apply to other towns if have retaining walls. Mr. Hutnak explained that the statement is exclusive. They are still exempt; it does not matter if there are retaining walls.

Tom Andrikowich, 26 Cliffe Road, asked to have the RPA setbacks and wetland buffer zone clarified. Mr. Hutnak explained the lines and which parts of the property are out of the Conservation Commission's jurisdiction.

Jane Jassmond, 211 Clover Hill Road, asked for clarification of the wording using the example of 1946 and whether there is anything similar in Northbridge with a closer date. It was explained to her that this is the most recent date. She then wanted to know if it is approved, can other buildings be used for other things (medical waste, etc.). Mr. Mills explained that other Boards / Commissions make those decisions. The Conservation Commission only permits work within the jurisdictional areas. They consider how the work will affect the resource areas.

Mr. Freer, Ms. Schotanus and Mr. Brown agree on the wetland, however, are not clear on the riverfront area. Mr. Mills said the case law answers clearly the RPA question. The conflict is between the RPA and WPA. The riverfront area is there and it is exempt in his opinion. Mr. Chagnon still has a couple of concerns. He does not think there is a clear answer on this. He reviewed the materials and still does not know what the answer is. He understands the applicant's position, however, not all of what the language says. He still has enough questions that the RPA does apply and the Conservation Commission should issue a positive determination in his opinion.

Mr. Hutnak argued his point again using case law language. Mr. Hutnak then asked that the public meeting be closed and a vote taken. (See motion under RDA above).

Mr. Hutnak stated that the edge of the river is located, but not flagged. Mr. Chagnon looked at any additional information submitted (letter). Mr. Hutnak asked for a continuance of the ANRAD. Mr. Cundiff asked for shots at top of bank, a letter from the botanist and the 200 foot riverfront line be delineated.

Motion made by Mr. Chagnon and seconded by Mr. Brown. The Conservation Commission voted 5-0 to continue the Public Hearing to May 9, 2012 at 7:05PM.

(248-586) Whitin Wellfield, 108 Carr Street (Map 6, Parcel 14)

Proposed construction of a 1.44 million gallon per day (mgd) water treatment facility to treat water from the Whitin wellfield and associated utility upgrades, site grading stormwater management controls and connection of the new facility to the existing water distribution system. The applicant is Whitinsville Water Company represented by Tata & Howard, 67 Forest Street, Marlborough, MA 01752.

John Cordaro of Tata & Howard stated that the plantings in the bio-retention area will be one tree and three species of shrubs. The chosen species are highly resistant to metal (witch hazel, red chokeberry and trefoil grass). The hydro cad analysis revealed that the detention area will drain in less than 24 hours. The elevation by elevation analysis is as follows:

309 – 310 feet	cut nine (9) cubic feet
310 – 311 feet	884 feet of fill and 900 feet of cut
311 – 312 feet	991 feet of fill and 1900 feet of cut

There will be no negative impacts to the watershed due to the filling. There is no information on the roofs at this time, but the Conservation Commission can address that in the condition of approval to submit information regarding the contaminants of roof when selecting the actual building.

Mr. Chagnon recommends approving as is. DEP also has requested information as indicated in their Email issuing the DEP file number (see attached).

Motion made by Mr. Chagnon and seconded by Ms. Schotanus. The Conservation Commission voted 5-0 to close the Public Hearing.

Motion made by Mr. Chagnon and seconded by Mr. Brown. The Conservation Commission voted 5-0 to approve the plans "Proposed Stormwater Plan" dated March 2012 and "Compensatory Storage Analysis" dated April 2012 with the condition to submit information regarding the contaminants of roof when the actual building is selected.

(248-585) 11 Fletcher Street (Map 5, Parcel(s) 78 & 79)

Proposed construction of a new DPW facility & associated site improvements including demolition of existing buildings. The applicant is Northbridge DPW represented by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865.

Mr. Chagnon recused himself from this Public Hearing.

The applicant has requested a continuance of this Public Hearing because the design comments have not been received yet. The last site visit was not held and a new date needs to be chosen.

The site walk has been scheduled for Saturday, April 28, 2012 at 9:00AM.

Motion made by Mr. Freer and seconded by Mr. Brown. The Conservation Commission voted 4-0-1 (Mr. Chagnon abstained) to continue the Public Hearing to May 9, 2012 at 7:10PM.

Minutes

February 15, 2012

Motion made by Mr. Chagnon and seconded by Mr. Freer. The Conservation Commission voted 4-0-1 (Mr. Brown abstained) to approve the minutes of February 15, 2012 as written.

March 14, 2012

Motion made by Mr. Brown and seconded by Ms. Schotanus. The Conservation Commission voted 4-0-1 (Mr. Chagnon abstained) to approve the March 14, 2012 minutes as written.

March 14, 2012 (Executive Session)

Motion made by Mr. Brown and seconded by Mr. Freer. The Conservation Commission voted 4-0-1 (Mr. Chagnon abstained) to approve the executive session minutes of March 14, 2012 but not release them.

March 28, 2012

The Conservation Commission tabled the March 28, 2012 minutes to the next meeting.

Old / New Business(248-564) 180 Kelly Road – Request for Certificate of Compliance

The yard has been cleaned up per the request of the Conservation Commission last fall when they visited the site. The Conservation Commission signed the Certificate of Compliance.

Reorganization of Commission

The Conservation Commission discussed Mr. Mills's resignation and who will be taking over as Chair.

Motion made by Mr. Chagnon and seconded by Ms. Schotanus. The Conservation Commission voted 5-0 to appoint Mr. Brown as Conservation Chair.

Osterman Maintenance Facility – Choose Consultant

The Conservation Commission agreed to use the same engineer as the Planning Board of JH Engineering for the peer review.

Other

The Conservation Commission reviewed the permit application on Hickory Lane for an addition about 75 feet from the wetlands. The Conservation Commission signed the permit application.

Mr. Mills visited West End Dairy and part of the corn maze area is too wet. The corn maze will be extended east and the drainage ditch will be piped. The corn maze will remain 75 to 100 feet from the water. This work falls within the normal field maintenance and Mr. Mills reminded them to take care and use erosion control measures while doing the work.

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

Motion made by Mr. Chagnon and seconded by Mr. Brown. The Conservation Commission voted 5-0 to adjourn the meeting at or about 9:30PM.

Respectfully submitted,

DATE APPROVED: May 23, 2012

Barbara A. Kinney
Conservation Administrative Assistant