



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
Telephone: (508) 234-0817
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Meeting Minutes March 26, 2014

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

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

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 site walk on Saturday, March 22, 2014, was successful. They looked at the wetland crossing, vernal pools, etc. The vernal pools will be certified if possible, per Mr. O'Connell. The location of the crossing is in the best place. Mr. Dausey said he was impressed with the site walk. Mr. Arbuckle agreed that the current plan is a much better site design. There were no additional comments from the NCC.

Mr. O'Connell then asked if a peer review was still necessary. The NCC stated that a peer review should be done because there are changes since the last peer review was done; such as changes to some wetland areas and vernal pools. Everyone agreed with using ESS Group for the peer review. Ms. Kinney will confirm with ESS Group to do the peer review and will contact BSC Group to let them know that the NCC will be using someone else. This is the perfect time of year to have the peer review done. Mr. O'Connell will amend the package so ESS Group has the most recent materials to do the review.

Motion made by Mr. Dausey and seconded by Mr. Arbuckle. The NCC voted 5-0 to use ESS Group for the peer review. (See letter from ESS Group dated March 12, 2014 for Scope of Services).

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 5-0 to continue the Public Hearing to April 9, 2014 at 7:10PM.

MinutesFebruary 10, 2014

There was no quorum to approve these minutes.

February 12, 2014

There was no quorum to approve these minutes.

February 12, 2014 Executive Session

There was no quorum to approve these minutes.

February 26, 2014

There was no quorum to approve these minutes.

March 12, 2014

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC vote 5-0 to approve the minutes of March 12, 2014 with changes.

Old / New Business(248-587) Osterman Maintenance Facility . Request for Certificate of Compliance

The NCC conducted a site visit on Saturday, March 22, 2014. The NCC noticed that the water does not quite get to the stormceptor (by the old garage) and pools on the grass nearby; maybe it needs to be re-graded. Everything else looks good. Ms. Kinney is still waiting for confirmation that the additional +/- 11,400 square feet has been addressed for treatment in the as-builts to comply with the stormwater regulations and a copy of the latest plan dated July 24, 2012 because the NCC has an older version of the plan. Once the outstanding issues have been addressed, the NCC will sign off on the Certificate of Compliance.

Whitinsville Golf Club . Results of Site Walk / Tree Removal

The NCC conducted a site visit on Saturday, March 22, 2014. The Golf Club will put together a plan on which trees to be removed and will submit it to the NCC for review.

Quaker Street Landfill . Solar Farm Plans

Mr. Arbuckle recused himself because he works for a competing company. Mr. Losordo of International Carbon Recovery (IRC) is ill so his father-in-law, Bill Trainor, has taken over for him. Mr. Trainor explained there is no funding for the MA solar energy credit because the Federal government has no funding for the states on this type of project at this time. The decision on funding will be on the 26th (of April?), per Mr. Trainor. There is a bill pending on net metering which would give the town electricity for a smaller fee. Some opportunities may exist to sell power from the solar farm.

Per Mr. Trainor, DEP has stated that the drainage must be treated before it goes to the river. The concept plans presented tonight are to have the drainage go to the river from a five (5) foot trench around the perimeter to the treatment pond at the back south corner of the property. There is lots of trash onsite such as beer cans and IRC needs DEP's approval before anything can be removed. The treatment pond(s) have not been taken care of, per Mr. Trainor. They have sludge, but IRC is not sure what exactly is in there. IRC does not have the numbers yet on the cost for treatment. The site is weak at the back portion of the property with no cover and trash coming through. Mr. Trainor submitted infrared photos (attached) showing trash coming through. The weak spots are lighter than

the rest. The plans were prepared by Arm Group, Inc. They are looking for four (4) feet of cover to lift the elevation to 129 feet to cover all weak spots and make the area level. Then the solar panels can be installed. The grade cannot be greater than 5% for the solar panels. They will grade the area in the back towards the river and it will have solar panels on it, as well. Mr. Trainor explained that there is no methane gas issue. The Board of Health must monitor the site until 2017, then IRC would take over the monitoring, per Mr. Trainor.

The total site will be right around three (3) megawatts per their agreement with National Grid. If it falls under the three (3) megawatts, it becomes an aggravation for National Grid rather than a supplier. At three (3) megawatts they can sell to anyone.

A variance is needed on the 200 foot setback. There will be a 15 foot grassed path from the swale to the property line so the abutter (Valerie) can exercise her horses. This was part of an agreement made with the sale of the land. The NCC should conduct a site walk. Mr. Bradley stated that this is previously disturbed land that will be cleaned up and he is not opposed to the idea in concept.

The site walk has been scheduled for Saturday, April 5, 2014 at 8:30AM.

Burdon Pond - Discussion

The NCC reviewed pictures that Ms. Anderson took. Ms. Kinney read Mr. Chagnon's email into the record. It is as follows:

Please provide the following to the Commission at our meeting and please make sure a copy gets to the Town Administrator. I am sorry I cannot attend the meeting but would like my opinion entered into the record (this email should probably be read into the record):

- I believe that the Commission needs to come to some kind of conclusion on what should be taken for action here.
- Unless I am mistaken the Commission has received evidence that the water level of the pond has been lowered artificially below the spillway level.
- I believe Mr. Fease has provide correspondence claiming he is going to maintain the pond level below the spillway elevation.
- The Commission has documentation from MADEP to Mr. Fease clearly notifying him that activities on the dam do not meet the requirements for an Agricultural Exemption under the Wetland Protection Act.
- The Commission has previously made Mr. Fease aware that we consider lowering or raising the water level above or below the spillway level will result in the alteration of wetlands or buffer zone and require approval and permitting through the Northbridge Conservation Commission and the MADEP.
- The Commission has made it clear that we understood that the pond level would rise and fall with precipitation but that the spillway elevation should be maintained. We also very specifically said we should not be designating a water height, only the spillway height. (On a side note, if there is an Operations and Maintenance Manual for the dam, it would spell out times when releasing water is required, see below).
- If there is an Operations and Maintenance Manual approved by DCR, Mr. Fease should provide the Commission with a full copy (not portions, a FULL copy).
- If there is any documentation from any court that requires Mr. Fease to maintain or change the water level beyond maintaining it at the spillway elevation, Mr. Fease should

provide the entire document to the Commission. Snippets, or sections of correspondence, orders, plans, etc. should not be provided and Mr. Fease's interpretation of the documents, plans, elevations is not needed. Just the document(s) in their entirety.

- If there is any documentation from any Local, State or Federal Agency that requires Mr. Fease to maintain or change the water level beyond maintaining it at the spillway elevation, Mr. Fease should provide the entire document to the Commission. Snippets, or sections of correspondence, orders, plans, etc. should not be provided and Mr. Fease's interpretation of the documents, plans, elevations is not needed. Just the document(s) in their entirety.

I believe we should summarize the above in a letter to Mr. Fease. The conclusion of which should be: 1) Show us documentation of a court or Agency order requiring something other than maintaining the spillway elevation (if one exists), and / or 2) Provide us with a Notice of Intent (NOI) if you are going to hold water back above, or release water below the spillway elevation (other than the natural rise and fall of water with the spillway elevation maintained and normal precipitation), or 3) Do not hold water back above, or release water below the spillway elevation (other than the natural rise and fall of elevation with the spillway elevation maintained and normal precipitation).

The letter should note that if Mr. Fease will not comply with the above than a formal enforcement action will be initiated and the Commission will explore all available options including civil or criminal action.+

Mr. Arbuckle stated that a letter should be sent in light of the work that was done without permitting and the complaint that has been brought to the NCC's attention. There have been emails from Mr. Fease that tell the NCC of the work, but a Request for Determination of Applicability (RDA), NOI, etc. still needs to be submitted to the NCC for approval. Mr. Arbuckle stated that Mr. Chagnon's wording should be amended to state either an RDA or NOI. The letter should also contain wording that the water level should be at its natural elevation. Mr. Dausey added that the hydraulic arm was constructed and movement of rocks done without permitting. The NCC specifically told Mr. Fease that he needs to come to the NCC before any work is done. This work is in violation of the Wetland Protection Act and the Town of Northbridge Bylaw.

Enforcement Actions

None

Executive Session

MGL Chapter 30A, Section 21, #3 Litigation

Other

West End - Mr. Dausey spoke with Greg VandenAkker and was told that Mr. VandenAkker plans on taking down the dead trees along the edge of the pond. The drainage line stops 75 feet from the pond and water then flows to the pond. The property is under the agricultural exemption and Mr. VandenAkker wants to pipe the drainage to the pond and re-grade the fields. He is not sure when the work will be done, but sometime this year. Mr. Dausey explained to Mr. VandenAkker that he will need to come to the NCC on both issues before any work is done. Mr. Bradley commented that the culvert work will require a NOI.

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

Motion made by Mr. Arbuckle and seconded by Mr. Dausey. The NCC voted 5-0 to adjourn the meeting on or about 8:55PM and move to Executive Session. The NCC will not return to open session.

Respectfully submitted,

DATE APPROVED:

Barbara A. Kinney
Conservation Administrative Assistant