



## **TOWN OF NORTHBRIDGE**

# **CONSERVATION COMMISSION**

**7 MAIN STREET  
WHITINSVILLE, MASSACHUSETTS 01588  
Telephone: (508) 234-0817  
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### **Meeting Minutes June 9, 2010**

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

Mr. Mills visited Lot J Benson Road while they were waiting for a quorum.

Mr. Mills opened the meeting at 8:00PM.

#### **Citizen's Forum**

##### **14-20 Elm Street**

Simon Vandervalk, the owner of 14-20 Elm Street, addressed the Conservation Commission regarding the letter he received from the Conservation Commission and explained that the encroachment already existed when he bought the property. He also stated that the tree is dead because branches and bark are falling off the tree. Mr. Mills stated that it makes sense to take down the tree. However, an agreement on where to stop the cutting and let the encroachment return back to its natural state is also needed. The Conservation Commission agrees that the tree needs to be taken down but would like to have a site visit first. The earliest that Mr. Vandervalk can be available for a site visit is 6:00PM weekdays. A Conservation Commission member will contact him to set something up. Mr. Vandervalk then inquired if he could purchase the property where the encroachment is. The Conservation Commission stated that if he is serious about the purchase, then he will need to provide something in writing to the Conservation Commission.

##### **(01-RDA-2010) 11 Center Street (Map 24, Parcel 46)**

Proposed replacement of three 12 foot culverts that are failing with a single 30 inch by 20 foot culvert; replace aging timber bridge with a culvert crossing using one 30 inch by 20 foot culvert; stabilize all inlets and outlets and disturbed soil (replanting and stone as needed); and work to be done following guidelines in the MA Rivers & Stream Crossing Standards (2006). The applicant is Francis Jacobs represented by James Jacobs, 11 ½ Center Street, Linwood, MA 01525.

Jim and Francis Jacobs presented to the Conservation Commission what they propose to do. Mr. Mills stated that it makes sense what they are proposing to do. A few hay bales at the end of the stream for erosion controls should suffice as the stream is pretty dry now. The work can be completed in one weekend per Mr. Jacobs. The pipes that are currently in place are not working and the misplaced water is causing erosion.

Robert A. Parker, Jr. of 20 Nolet Street has concerns with this proposed work and work that was done illegally years ago (during the past 12 years) that is causing problems at his property downstream from 11 Center Street. He showed the Conservation Commission pictures of his property and the issues that have been created. Mr. Parker stated that there are three contributors to these problems: the construction of the high school fields, the construction of the subdivision called Union Place and the work done at 11 Center Street, specifically the construction of the commercial size garage. This has increased water onto his property and he wants the problem fixed.

The Conservation Commission discussed the collapsed pipe in the driveway and the wash out that has occurred because of it. This was fixed in March 2010 and Mr. Parker stated that a backhoe was used and no erosion controls. This was an open culvert until last year.

Mr. Jewell stated that if Mr. Jacobs' land floods Mr. Parker's land, it is a legal issue between the two parties and out of the Conservation Commission's jurisdiction. However, Mr. Jewell suggested that the Conservation Commission have a site visit on June 10, 2010 at 6:30PM.

Motion made by Ms. Peckham and seconded by Mr. Jewell. The Conservation Commission voted 4-0 to continue the Public Meeting to June 23, 2010 at 7:30PM.

**(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.

Motion made by Ms. Peckham and seconded by Mr. Jewell. The Conservation Commission voted 4-0 to continue the Public Hearing to June 23, 2010 at 7:40PM per the applicant's request.

**(248-266) Hills at Whitinsville Open Space**

Discussion

The applicant has requested a continuance.

Jeff Ciulla of 152 Morgan Road is the resident with the bottom of the common driveway on his property and wanted to update the Conservation Commission on the status of this issue. He is in discussions with J & F Marinella to address the drainage issues. The Conservation Commission stated that at their last meeting they had an informal discussion with Cheryl Peterson of Heritage Design Group on the outstanding issues regarding the open space. It has also been brought to the Conservation Commission's attention that other property owners have encroached into the open space land.

Motion made by Mr. Freer and seconded by Mr. Jewell. The Conservation Commission voted 4-0 to continue the discussion to June 23, 2010 at 7:50PM.

**(02-RDA-2010) 108 MacArthur Road (Map 26, Parcel 49)**

Proposed construction of a retaining wall(s) with stairs, swing set area, patio, fencing, update to three season porch, removal of selected trees, and installation of a shed. The applicant is Linda Lacki, 108 MacArthur Road, Northbridge, MA 01534.

The Conservation Commission pulled the plan from the original filing on the dwelling and Linda Lacki showed where there is a retaining wall on the plan, but it was never constructed. She then explained several different scenarios that she could possibly do to fix her concerns. The house sits on fill. She thinks the best way to create useable land and be the most cost effective would be to build the retaining wall and fill in the area to grade with the existing fill. This will create room for a patio, play set and kick ball area for the children. She would also add steps down to the rest of the property. The three season porch needs repairs and two almost dead trees would need to be taken down. She may wish to remove several other trees as well. The area where the retaining wall is to be built is an undisturbed area now. Everything beyond the retaining wall would be allowed to return to its natural state. She is looking at having this done in the Fall or possibly next Spring as she does not have a contractor yet. She would also like to place an 8 x 10 foot shed on a 10 x 12 foot gravel area.

The Conservation Commission wants the erosion controls placed along the erosion control line on the existing plans, which is the original limit of disturbance. The conditions that the Conservation Commission will place in the decision are:

1. Erosion controls are to be placed at the erosion control line depicted on the plan.
2. Call when erosion controls are in place for a Conservation member to inspect.
3. No disturbance beyond the limit of disturbance.
4. The retaining wall must be constructed at or within the wall shown on the plan.

Motion made by Ms. Peckham and seconded by Mr. Jewell. The Conservation Commission voted 4-0 to issue a negative determination with the conditions stated above.

**Minutes**March 24, 2010

There was no quorum to vote on these minutes.

March 24, 2010 (Executive Session)

There was no quorum to vote on these minutes.

April 14, 2010

Motion made by Mr. Jewell and seconded by Mr. Freer. The Conservation Commission voted 4-0 to accept the April 14, 2010 minutes as written.

April 28, 2010

There was no quorum to vote on these minutes.

May 12, 2010

There was no quorum to vote on these minutes.

**Old / New Business**(248-520) The Camelot – Request for Certificate of Compliance

The Conservation Commission signed the Certificate of Compliance.

(248-546) Lot J Benson Road – Request for Certificate of Compliance

The Conservation Commission signed the Certificate of Compliance.

Burdon Pond – Discussion

Mr. Mills met with Mr. Fease this past Sunday and Mr. Fease stated that he is going ahead with the bridge and is working with the Building Inspector on how to construct the bridge over the dam at *Burdon Pond*.

Elsa Mason Property – Volunteer Stewardship Discussion

This was not discussed at this meeting.

Hills Condo Lot 2 – Restoration Update

The Conservation Commission has not heard anything on the progress of this restoration. Mr. Freer, Mr. Mills and Mr. Jewell will take a look at this site on Thursday, June 10, 2010 after their site visit at 11 Center Street.

Swans Pond – Discussion/Violation

Mr. Mills will ask the owner if he can enter the property and review *Swans Pond*.

Land Inquiry – Discussion

The Conservation Commission discussed the parcel that is being offered to the town. They decided that this a good parcel for passive recreation for hiking, etc. if grants funds are available to purchase. Ms. Kinney will forward the request to Mr. Bechtholdt, Town Planner, for him to see if any grants are available.

**Other**

52 Shannon Drive has a wet area on their property and upon a site visit by Mr. Jewell, it was discovered that they have encroached onto the open space and place a shed there in the back corner. The Conservation Commission will draft a letter and ask the owners to come to a Conservation Meeting to discuss the matter.

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

**Executive Session**

MGL Chapter 39, S 23B #3 – Litigation

This has been tabled to the next meeting.

Motion made by Mr. Jewell and seconded by Ms. Peckham. The Conservation Commission voted 4-0 to adjourn the meeting at 9:45PM.

Respectfully submitted,

Barbara A. Kinney  
Conservation Administrative Assistant