

TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

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Meeting Minutes May 27, 2015

Justin Arbuckle, Gerry Ouillette, Joy Anderson (late), Andrew Chagnon, Bill Dausey and Jeremy Deorsey were present. Barbara Kinney, Administrative Assistant was also present.

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

Citizen's Forum

Shelley Buma, Citizen's for The Preservation of Northbridge (CPN), 40 Heritage Drive, notified Mr. Arbuckle that she will record this portion of the meeting.

She stated that she wants Douglas Road Industrial Realty Trust to acknowledge that a violation (in her opinion) to the 2012 permit exists. 47% disturbance is allowed and the disturbance is in fact in excess of 83%. Also the area noted in orange on her marked up plan (the jurisdictional area of the Riverfront) has trees and side slope removed.

Mr. Arbuckle asked Ms. Buma if she had anything new to present to the NCC because there is a full agenda tonight. Ms. Buma answered yes and this has been going on for a while now.

Ms. Anderson arrived at 7:05PM.

Ms. Buma continued with stating that the definition of disturbance included trees removed. They are a natural protection to the river. That is why the Department of Environmental Protection (DEP) has regulations. It is also why the Federal regulations and State regulations exist for stormwater. The effect is the catch basins collect the runoff a lot sooner. The natural protection is gone and the catch basins fill sooner and cost the town time and money. She wants enforcement action, fines and remediation of the mature trees. They need to submit plans to the Conservation Commission (NCC) for approval. She is requesting that the NCC compel them to file a Notice of Intent (NOI) on the new activity. The trucks will go through the buffer zone to reach the leachate tanks. There is no stormwater management system built on the site. She wants the NCC to require one as soon as possible. There is no DEP file number posted on site and it must be posted. In summary, she wants acknowledgement of the violation, enforcement action, requirement of a NOI for the new activity and stormwater management, that the NCC mandate remediation and the mandatory posting of the DEP file number.

Sutton Street

Cindy Campbell, 115 Sutton Street, brought in pictures from across the street from Bartlett and Sutton Streets of where the drainage system is being installed. She complained that she cannot put leaves there but now they are putting dump trucks of dirt there and filling in the pond.

Mr. Chagnon explained to Ms. Campbell that extensive plans were reviewed and permitted for this project. The NCC will schedule a site walk with the project manager(s) onsite to go and look at what is being done. Some work was permitted in wetlands with replication to other areas connected to the wetlands. There are erosion controls that need to be replaced. Ms. Campbell complained that the stone wall work is shoddy and it would just need a little spackle to fix it.

(01-RDA-2015) 53 Joseph Circle (The Camelot) (Map 16, Parcel 240)

Proposed installation of an in-ground swimming pool and associated landscaping within the 100 foot buffer zone of a wetland. The applicant is Christopher Dauphinais, 53 Joseph Circle, Whitinsville, MA 01588.

Chris Dauphinais was present and explained that they want to install an in-ground swimming pool where there is lawn now. There will be no further disturbance. The NCC looked at the proposed plans and no wetlands are shown. These plans were compared to the original plans submitted for the building of the dwelling. Mr. Dauphinais bought the house and moved in this past Christmas Eve. He showed the NCC some pictures from his tablet of the property to help them visualize where the pool will be. Ms. Kinney asked Mr. Dauphinais to send the pictures to her for the file. There will be no stockpiling of materials onsite and all work is in a previously disturbed area.

Motion made by Mr. Chagnon and seconded by Mr. Dausey. The NCC voted 6-0 to issue a negative determination.

Douglas Road (Adjacent to 279)

Review / Discussion

Rob Knapik, the applicant's attorney, and Paul Hutnak, Andrews Survey and Engineering (ASE) were present. Also present was Chip Rogers, WGM Fabricators (WGM), who is the abutting property.

Mr. Knapik began the discussion by reminding the NCC that he appeared several weeks ago and he wants this read into the minutes now that the work at the Douglas Road property adjacent to 279 and 369 Douglas Road (WGM) has five approved permits from the Earth Removal Board, Site Plan approval from the Planning Board, an Order of Conditions (OOC) dated December 2012, a site plan approval for WGM dated November 2014 and an OOC for WGM dated December 2014.

Mr. Chagnon stated that any permits on abutters' projects are not relevant to what is on this property.

Mr. Knapik wants to know how to reconcile with the fact that plans have been submitted and approved.

Mr. Chagnon stated the plans were never compared and no one pointed it out regarding the Trust embankment. Both plans do not match. The NCC does not compare plans and assumed the plans were the same. Even if the NCC was aware of this, they cannot approve a NOI with work on another property.

Mr. Knapik stated that the minutes from the November 12, 2014 meeting explained that WGM were going to remove the hill on the adjoining property. WGM and the Trust should work cooperatively to remove the hill. Also done commonly is work on the adjoining property, per Mr. Knapik. Mr. Knapik then stated that a case similar to this has owner A showing a small amount of work on adjacent property (20 feet). There is no cause for anyone (engineers, Trust, etc.) to become a NOI co-applicant. Work in the Riverfront is not inconsistent with the approvals. There is no cause for issuance of a violation, enforcement, etc. Mr. Knapik said WGM could file an amendment to modify their OOC to name the Trust as a co-applicant, if needed. Erosion controls are in place and there is no harm to the wetlands.

Mr. Chagnon respectfully disagrees and believes there must be two separate NOIs. He is asking for an overlay of the two properties. The original versus now, the impacts, and changes in drainage, etc., if any. Perhaps a minor modification is needed to the Trust OOC if there are no lasting impacts. Nothing has been presented to the NCC.

Mr. Knapik apologizes and thought they were only a number of ideas. He didn't realize that some sort of plan was needed and misinterpreted that it was just an idea.

The site visit was done right after. Nonetheless, the NCC would need more information and the Trust is not opposed to it. Plans approved on the property, what's happening now and include a narrative of the impact on drainage and stormwater is needed.

Mr. Hutnak stated that JH Engineering reviewed the calculations and their okay was received.

Mr. Chagnon stated the NCC needs the plan (if done, just give to us) and will need the narrative. Discussion continued on what is needed to reconcile the issues. Mr. Chagnon apologized for any confusion. The NCC did not know work on the adjacent property was different when they reviewed it for the WGM property. Mr. Chagnon's concern that was brought up the information is showing the NCC that nothing is different. The applicant needs to show the NCC the changes so the NCC can decide how to proceed. Right now there is lack of action and the NCC will need to take some kind of action. Mr. Chagnon explained that two members in the field is not a quorum and even if a quorum was present the NCC cannot deliberate in the field. They just bring the information back to the next meeting for deliberation.

Mr. Knapik will provide the information that there is no change to the drainage. Mr. Hutnak stated he will provide the requested information for the next meeting or at least an update. Mr. Knapik asked Ms. Kinney to provide him with copies of all the correspondence received from CPN, Bill Cundiff and Ms. Buma, etc.

Ms. Buma stated that trees have been removed in violation of the OOC, etc. and proposes a new NOI is required. The NCC is only asking for information of the removal of the hill. Also... Mr. Arbuckle interrupted Ms. Buma and stated the NCC is moving on.

A member of the audience addressed the NCC and asked for the rebuttal to be stricken from the record. Mr. Arbuckle interrupted him and stated that the NCC is moving on now. This discussion is continued to June 10, 2015 at 7:02PM.

(02-RDA-2015) 1405 Quaker Street (Map 28, Parcel 6)

Proposed harvesting of timber from the wooded wetland lot associated with the property. The timber collected (3 to 5 cords) will be used for the sole purpose of a primary heating source of the dwelling. The applicant is Melissa Fossbender, 1405 Quaker Street, Northbridge, MA 01534.

Melissa Fossbender explained the proposed plan of what they wish to do. Mr. Arbuckle said the NCC needs to know which trees they plan to take down as it is not shown in the application. Ms. Fossbender wanted to know if they could pull the debris closest to the yard and then do a cutting plan. Mr. Arbuckle stated that it is permissible, but there are restrictions with the riverbank, streams, and possible canopy issues.

He further explained that what was submitted is not an official cutting plan, but just a sketch on property plans. Ms. Fossbender could mark the trees and someone from the NCC could look at what is to be cut. The regulations will also need to be reviewed. The NCC discussed with Ms. Fossbender and Carl Agnello, 1405 Quaker Street, whether it would be easier to do a forest cutting plan. However, it might be easier for the resident to stick to marking their own trees. The NCC is fine with that. The consensus of the NCC is the owner needs to mark the trees and someone from the NCC will go look at them. Any downed trees to be removed should be marked too.

Motion made by Mr. Chagnon and seconded by Mr. Dausey. The NCC voted 6-0 to continue the Public Meeting to June 24, 2015 at 7:02PM.

(248-) Lot 38 Joseph Circle (The Camelot) (Map 16, Parcel 253)

Proposed construction of a single-family dwelling, installation of utilities and associated site work. The applicant is J & F Marinella Development Corp. represented by Andrews Survey & Engineering, PO Box 312, 104 Mendon Street, Uxbridge, MA 01569.

Paul Hutnak of ASE was present. The green cards have been received but no DEP file number has been issued yet.

The wetland extends up the side of the property. The dwelling is proposed inside the 50 foot buffer zone but outside of the 35 foot buffer zone. Mr. Chagnon asked if there were markers shown on the plan and the answer is yes. The OOC will be drafted for the next meeting with the condition that the permanent markers are to be placed as shown on the plan. There were no further issues.

Motion made by Mr. Chagnon and seconded by Mr. Deorsey. The NCC voted 6-0 to continue the Public Hearing to July 10, 2015 at 7:10PM.

A NCC member requested a two minutes recess.

Old / New Business**Burdon Pond – Complaint / Discussion**

Mr. Ouillette, Mr. Arbuckle, and Ms. Anderson on different occasions observed that the pond has been lowered. They explained to Mr. Fease that they are concerned with erosion at the bottom of the dam.

Mr. Fease said he is land court for the water level. In the meantime, the NCC stated they want him to follow what DEP and Office of Dam Safety (ODS) has determined in the past as the normal water level. Mr. Arbuckle's personal opinion is that the beaver deceiver is fine as long as a submittal is provided with the calculations, etc. Mr. Fease stated the water level is 323 now and full pond level is 329 and that he is fine with where we are for now.

The NCC asked if an emergency action plan existed and if so, could the NCC have a copy. They also reminded Mr. Fease that he needs to notify the NCC before he does anything, especially opening the gate or doing any maintenance.

Mr. Chagnon stated to Mr. Fease that if he decides to do any permanent change in the elevation of water, then he needs to submit a NOI to us for permitting. If the NCC denies it, then Mr. Fease can appeal to the DEP. If the NCC is wrong, it will come out at that time.

The documents are on file to keep the water at the normal water level from ODS and the NCC agrees that the normal water level should be kept. There are better times of the year to do maintenance and Mr. Fease needs to notify the NCC when he plans to do any. There are some things that Mr. Fease and the NCC disagree on fundamentally. Mr. Fease requested a copy of the fee schedule that the state uses for a NOI.

The drainage calculations under the road should be in the NCC files. When pulled, a copy should be sent to the DPW as well. The Operations and Maintenance manual has been sent to ODS for approval, per Mr. Fease. The NCC would like a copy of it as well.

(248-556) 357 Hill Street – Request for Certificate of Compliance (COC)

Mr. Ouillette visited the site and determined that everything is stabilized and sent pictures to the NCC office to include in the file.

Motion made by Mr. Chagnon and seconded by Mr. Ouillette. The NCC voted 6-0 to issue a full COC.

Enforcement Actions

None

Minutes

None

Executive Session

None


Other

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

Motion made by Mr. Chagnon and seconded by Mr. Ouillette. The NCC voted 6-0 to adjourn the meeting on or about 8:50PM.

Respectfully submitted,

DATE APPROVED:



Barbara A. Kinney
Conservation Administrative Assistant

