



**TOWN OF NORTHBRIDGE
CONSERVATION COMMISSION**

**7 MAIN STREET
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**Meeting Minutes
June 22, 2016**

Gerry Ouillette, Justin Arbuckle, Roland Hachey, Cindy Campbell, Bill Dausey and Joy Anderson were present. Rich Chiras was absent. Barbara Kinney, Administrative Assistant and David Pickart, Conservation Commission (NCC) Agent were also present.

Mr. Dausey opened the meeting at 7:01PM.

Mr. Dausey wanted the minutes to reflect that he commends Jacob Bliss who implemented an Eagle Scout Project at the Shining Rock trail. Per Mr. Dausey, the trail is absolutely beautiful. Mr. Bliss cut trees and distributed the remains in such a way so as to look natural. The lower trail was regraded and stone was placed to divert the runoff so now there is a dry path for walking / hiking. The area looks inviting and usable. Mr. Dausey signed off on the project for Mr. Bliss this afternoon.

David Pickart (New Conservation Agent) – Meet the NCC

Mr. Pickart was present and was introduced to the NCC. The NCC reviewed with Mr. Pickart his role and responsibilities and that they may be modified as needed. He will be available to the NCC for 8 hours a week working typically on Tuesdays and Thursdays and will attend meetings as needed.

Citizen's Forum

None

(04-RDA-2016) 248 Purgatory Road (Map 6, Parcel 24)

Proposed pass through at Burdon Pond dam of up to 100,000 gallons of water per day to comply with the Superior Court order. Applicant is Howard Fease, 248 Purgatory Road, Whitinsville, MA 01588.

Howard and Andrea Fease were present. Mr. Fease explained that he has an injunction that he cannot hold any water back at all if it will flood the land. He also stated that putting the water as low as the court wants it is impracticable. He has appealed to the appellate court now. Mr. Dausey stated that since this is a sensitive area, the NCC would appreciate receiving a copy of the whole court order. Mr. Ouillette pushed for a negative determination because the NCC wants no part in the regulation of the dam. He suggests that Mr. Fease keep a log of the above inches and the below inches.

Mr. Pickart stated that there is a long history with multiple lawsuits and enforcement orders by other parties including the Department of Environmental Protection (DEP), Dam Safety, etc. He is not clear on what is proposed with regards to opening the low level outlet. Mr. Fease stated that the dam has been existence since 1768. Mrs. Fease

said there is no physical work proposed except to clean the beaver debris because the injunction states that the debris must be kept clear of the spillway. The NCC stated that the clearing of debris from the spillway is considered normal maintenance and is allowed. Mr. Arbuckle stated that raising or lowering the water level is an alteration and that Mr. Fease should consider filing a Notice of Intent (NOI) of which DEP will get a copy. This is NCC's level of comfort as it is huge liability to operate a dam.

The differences between public and private dams were discussed. Per Mr. Pickart, there are thresholds at the Federal level and if the thresholds are met, they only need to file with the NCC for approval and there is no need to file at the Federal level. This is for the wetlands themselves and not the buffer zones. Mr. Pickart stated that the NCC does not have enough information and strongly suggests the NCC issue a positive determination and have Mr. Fease file a NOI.

The NCC then discussed what a normal water level is and everyone's definition may be different. For example, the Land Court's determination of the normal water level is one foot higher than Superior Court's determination. Mr. Fease wants to find a level that everyone can live with. He stated that the spillway height is 324.3 feet.

Motion made by Mr. Arbuckle and seconded by Mr. Hachey. The NCC voted 6-0 to issue a positive determination.

(248-639) Lot 35 Joseph Circle (The Camelot) (Map 16, Parcel 248)

Proposed construction of a single-family dwelling, installation of utilities, and associated site work. Applicant is J & F Marinella Development represented by Andrews Survey & Engineering, (ASE) 104 Mendon Street, Uxbridge, MA 01569.

The DEP file number was just received and the green cards have been received. Paul Hutnak of ASE explained that this is a proposed single-family dwelling and driveway with a Bordering Vegetated Wetland (BVW) nearby. The work will be outside the 35 foot no-disturb zone and the dwelling and driveway are outside the 50 foot buffer zone. Only grading will be within the 35 to 50 foot buffer zone. There will be three markers placed along the 35 foot no-disturb zone line and the erosion controls are shown on the plan. The utilities will be outside the 50 foot buffer zone. Mr. Pickart wanted to know when the delineation was done and Mr. Hutnak explained that it was done as part of the original subdivision plan approval.

Motion made by Mr. Arbuckle and seconded by Mr. Hachey. The NCC voted 6-0 to close the Public Hearing.

Motion made by Ms. Campbell and seconded by Mr. Ouillette. The NCC voted 6-0 to approve Lot 35 Joseph Circle prepared by ASE and dated May 10, 2016.

Old / New Business

1 / 33 Providence Lane – Brook complaint.

Mr. Ouillette excused himself from the NCC because he is the complainant. There is a private sewer line that connects to the Town interceptor (legal tie-in) that runs through the brook. A repair was done years ago when the sewer line was broken. Per Mr. Ouillette the pipe is asbestos. Per Mr. Pickart, the asbestos program at DEP should be informed of this. Any new pipes are put in a sleeve and are located under the stream

bottom. Mr. Ouillette feels that this is a private issue. Mr. Pickart will go look at it. The NCC is waiting for comments from the DPW Sewer Superintendent too before determining what the next step should be.

Mr. Ouillette returned to the NCC panel.

Enforcement Actions

None

Minutes

None to approve at this time.

Executive Session

None

Other

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

Motion made by Mr. Arbuckle and seconded by Mr. Ouillette. The NCC voted 5-0-1 (Ms. Campbell abstained) to adjourn the meeting on or about 8:46PM.

Respectfully submitted,

DATE APPROVED:


Barbara A. Kinney
Conservation Administrative Assistant



June 22, 2016

CONSERVATION MAIL LIST

FROM	DATE	SUBJECT
Andrews Engineering	6/08/16	NOI – Lot 35 Joseph Circle (The Camelot)
Gerry Ouillette	6/9/16	Providence Lane Sewer Pipe Violation / Brook
Howard Fease	6/06/16	RDA – Burdon Pond Dam Pass Through
Planning Board	6/7/16	Linwood Mill Lofts Change In Use Review
Howard Fease	6/16/16	Email – Checking on Inquiries
Howard Fease	6/16/16	Email – Additional Documents for RDA
Howard Fease	6/16/16	Email – Thank you
Planning Board	5/16/16	Self-Storage Complex Plan Review
Howard Fease	6/17/16	Email – Reattached Request With Outlines
Planning Board	Rec'd 6/10/16	Public Hearing Notice for Hills at Whitinsville
DEP	5/20/16	Central MA Field Assessment During Summer 2016
National Grid	6/8/16	Interstate Reliability Project Spring 2016
JH Engineering	5/27/16	Carpenter Estates Construction Observation Report
JH Engineering	5/3/16	Presidential Farms Phase 4 Construct Observation Report
JH Engineering	5/27/16	Presidential Farms Phase 4/5 Construct Observation Rpt
JH Engineering	5/27/16	Carpenter Estates Construction Observation Report
JH Engineering	5/27/16	Shining Rock Dr Extension Construct Observation Rpt
Planning Office	6/3/16	Main St Commercial Continued Public Hearing
JH Engineering	5/24/16	Hemlock Estates Construction Observation Report
Planning Board	6/22/16	Sunrise Estates Preliminary Subdivision Continued Mtg
Planning Board	6/22/16	Hills at Whitinsville Perf. Guaranty / Cert of Completion
Planning Office	6/22/16	Douglas Road Self-Storage Engineer Consult Services
Planning Board	6/22/16	Main St Commercial Withdrawal/Site Plan & Special Per

ADDITIONAL DOCUMENTS USED AT MEETING

Conservation Agent Report on 04-RDA-2016 Burdon Pond Pass Through

Conservation Agent Report on (248-) Lot 35 Joseph Circle

2 Photographs of Burdon Pond Submitted by Howard Fease