



**TOWN OF NORTHBRIDGE
CONSERVATION COMMISSION**

**7 MAIN STREET
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**Meeting Minutes
October 26, 2016**

Roland Hachey, Barbara McNamee, Joy Anderson, Rich Chiras and Justin Arbuckle were present. Cindy Campbell arrived a few minutes late. Gerry Ouillette and David Pickart (Conservation Agent) were absent. Barbara Kinney, Administrative Assistant was also present.

Ms. Anderson opened the meeting at 7:00PM.

Citizen's Forum
None

Cindy Campbell arrived at 7:02PM.

(248-643) 867 Sutton Street (Map 12, Parcel 24)

Proposed replacement of a failing sewage system in which a portion of the final grading will be within the 100 foot buffer zone of a Bordering Vegetated Wetland. The applicant is Glenn Jorritsma represented by David E. Ross Associates, Inc. PO Box 368, Ayer, MA 01432.

Steve Sears of David Ross Associates reviewed the project with the Conservation Commission (NCC). The Natural Heritage Endangered Species Program (NHESP) report has been received. The report states that the project will not adversely affect the actual resource area habitat of state-protected rare wildlife species and there will be no prohibited take of state-listed rare species.

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

Motion made by Mr. Arbuckle and seconded by Mr. Hachey. The NCC voted 6-0 to accept the plans for the sewage system at 867 Sutton Street dated August 2016.

(248-644) 108 MacArthur Road (Map 26, Parcel 51)

Proposed construction of a yard drain with discharge pipe, level spreader, retaining wall and associated earthwork and landscaping within the wetland buffer zone. The applicant is Linda Lacki represented by Andrews Survey & Engineering, Inc. (ASE), 104 Mendon Street, Uxbridge, MA 01569.

Green cards have been received. Paul Hutnak of ASE as well as the owners Linda Lacki and John Freeman were present. A Request for Determination of Applicability (RDA) was filed for this project back in 2010.

Erosion is occurring and the existing retaining walls are sinking. This erosion is starting to effect the three season porch, the driveway, the front yard, etc. The property was created before the 2008 Town bylaw came into effect so there is only a 25 foot no-disturb zone; but to properly install the retaining wall in its location on the plan, they really need to work in the no-disturb zone. It is a previously disturbed area. They are proposing a retaining wall around the property to get a gradual slope. One of the existing retaining walls will be integrated / eliminated. The work is to be done by the inside of the wall away from the wetlands and the property line. The retaining wall on the property line can be built from the owner's side so they don't think it is necessary to get permission from the abutter to enter their property and building this wall should not be hard to do, per Mr. Hutnak. The NCC agent has concerns with the retaining wall height and suggests that a fence should be placed on top of the retaining wall for safety reasons. The wall will be commercial grade (recon) materials.

A yard drain with a small depression will be created to catch the runoff so it won't cascade over the wall. The drainage area will be grassed and not rock lined. It will be shaped as well. A suggestion was made to use six to nine inch rip-rap instead of the grass and could be included as a special condition. Another NCC member stated that grass may be better than stone because roots provide more stabilization.

The project will take about a month to complete. Work will be done by machine and not by hand.

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

Motion made by Mr. Arbuckle and seconded by Ms. Campbell. The NCC voted 6-0 to accept the plans of 108 MacArthur Road dated October 3, 2016.

(07-RDA-2016) Wal-Mart, 100 Valley Parkway (Map 1 / 119, Parcels 125 / 3 & Main Street ROW)

Proposed construction of a new sanitary sewer line and pump stations to serve both Wal-Mart and the properties on the north side of Main Street. A portion of the work is located within the 100 foot buffer zone of wetlands on the south side of Main Street. The applicant is Wal-Mart represented by Bergmann Associates, 280 East Broad Street, Rochester, NY 14604.

Justin Lattierre of Bergmann Associates explained that they wish to open a trench down Main Street for a sewer line that will connect into the Town of Sutton. This has already been approved by the Town of Northbridge and construction has begun. During construction, they realized that there are wetlands along the south side of Main Street so they submitted this RDA. The trenches will be closed at the end of each day. The road drains away from the wetlands. They are exempt from the Wetlands Protection Act (WPA) so no Notice of Intent (NOI) is needed. However, a review is still needed under the Town Bylaw.

The closest point to the wetlands is 12 feet. Wattles or filter socks will be used for erosion controls. The original timeframe was to have it done by mid-November but it may not happen now until spring since construction time is running out.

Motion made by Mr. Arbuckle and seconded by Ms. Campbell. The NCC voted 6-0 to issue a negative determination.

Old / New Business**(248-625) 342 Cooper Road – Letter / explanation**

Oren Havey explained that he did work under his Order of Conditions (OOC). He did remove two old Christmas Trees and kept the grading the way it was. All construction materials and erosion controls have been removed.

Mr. Pickart visited the site and thought there may be some violation(s). The NCC thinks it would be a good idea for several members to visit the site. One of the members will contact Mr. Havey to set it up.

(248-499) 2040 Providence Road – OOC Extension Request

Gerry Shugrue was present and explained that the applicant is requesting an extension to the OOC. He also reminded the NCC of the discussion at the last meeting. He provided an email from Denise Childs at the Department of Environmental Protection (DEP). Mr. Arbuckle reviewed the email and explained that the email still does not address the extension time period. The NCC needs more information than that it is a permit. Ms. Childs need to confirm that it falls into the extension time period. This has been continued to the next meeting.

(248-470) Hemlock Estates – Replication Areas

Paul Hutnak of ASE explained that J & F Marinella is not looking for a Certificate of Compliance (COC) yet. The issues will need to be looked at before the request is submitted. The NCC agrees to have some sort of response that the developer is aware of the issues and they plan to have a wetland scientist address these issues by a certain date. Ms. Kinney will send a follow-up letter to the developer explaining what the NCC is looking for.

(248-642) Lot 1 North Main Street – OOC

Mr. Arbuckle reviewed MA code regarding structures in the no structure zone and what the definition of a structure is. A patio is considered a structure. The NCC's options are to not allow the patio, revise the plans so that the NCC sees the revised patio and then they will approve or not or approve the plans or the NCC approves these plans with the special condition that they approve the patio at a later date when the details, materials to be used, etc. are known. The NCC agreed to put the approval under the special conditions that the patio and landscaping will be reviewed and approved before they are started.

Motion made by Ms. Campbell and seconded by Ms. McNamee. The NCC voted 5-1 (Mr. Hachey voted against) to accept the Plan Lot 1 North Main Street dated August 30, 2016 with a revision date of September 27, 2016 with the condition stated above that the landscaping and patio must be approved before its construction begins with the understanding that they may not be approved and that the NCC granted the variance for the portion of the driveway in the no-structure zone.

Enforcement Actions**(248-639) Lot 35 Joseph Circle (The Camelot) – Cease & desist letter**

Paul Hutnak of ASE agrees that the encroachment happened. Joe Marinella put up his own limit of clearing and connected C4 to C6. He missed C5 which made a 14 foot difference to the limit of clearing which is now only 21 feet from the wetland instead of 35 feet. Mr. Hutnak stated that signs for the 35 foot no-disturb zone will be put up and the disturbed area will be planted back with some type of native trees, bushes, etc. to re-establish the no disturb zone. The NCC agreed that the cease and desist will remain in effect, but once the 35 foot no-disturb zone is clearly marked and the erosion controls are put in place work can begin again. Once the signs are up and the erosion controls are in place, the NCC will sign off on the building permit application. The disturbed no-disturb zone will then be seeded / planted once a formal remediation plan is approved by the NCC. This plan should include start and stop times so the NCC can inspect the work. This will be continued to the next meeting.

Church Street / Providence Road – Enforcement Order Update

Brian and Deb Castell (abutters), Leland Road, were looking for an update on what's being done on this property. Janice Pepka, 17-19 Leland Rd, explained that there was two feet of water in the backyard during the last storm because the drain(s) were not working or there wasn't a drain. The NCC explained that a wetland scientist needs to be under contract soon. The NCC will inform Mr. McCarthy that no work can be done until the following items have been addressed to the NCC's satisfaction:

1. A wetland scientist inspects the entire site and identifies / assesses the areas where remedial measures may be needed in altered wetlands (such as the gravel road that crosses the isolated wetland next to Providence Road).
2. Submittal of a plan for remediation identified from the wetland scientist's inspection.
3. Implementation of remedial measures (as these are likely to entail planting, probably best to hold off until spring 2017).
4. Inspection / cleaning (if required) of manholes / drainage pipe behind buildings / residences along Leland Road. Mr. Castell (a resident) believes that the manhole behind the garage is plugged.

A follow-up letter will be sent to Mr. McCarthy that a wetland scientist must be contracted (with a firm start date and contract) by the next meeting and the NCC will need an update on the progress of #4.

Minutes**April 13, 2016**

Motion made by Mr. Arbuckle and seconded by Mr. Hachey. The NCC voted 3-0-3 (Ms. Campbell, Mr. Chiras and Ms. McNamee abstained) to accept the minutes of April 13, 2016 as written.

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 Ms. Campbell. The NCC voted 6-0 to adjourn the meeting on or about 9:17PM.

Respectfully submitted,

DATE APPROVED:



Barbara A. Kinney
Conservation Administrative Assistant



October 26, 2016

CONSERVATION MAIL LIST

[illegible]

ADDITIONAL DOCUMENTS USED AT MEETING

2040 Providence Road – Email from DEP / Glen Krevorsky