



TOWN OF NORTHBRIDGE CONSERVATION COMMISSION

7 MAIN STREET
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Meeting Minutes November 04, 2020 Executive Session

Upon roll call vote of Richard Chiras – Yes; Barbara McNamee – Yes; Cynthia Campbell – Yes; Steve Gniadek – Yes; Justine Carroll – Yes; and Justin Arbuckle – Yes; the Conservation Commission (NCC) entered into Executive Session. Barbara Kinney, Administrative Assistant, and David Pickart, Conservation Agent, were also present.

Ms. McNamee called the executive session to order at 8:06PM.

Under MGL Ch. 30A, S21, #3 – to discuss strategy with respect to potential litigation Douglas Road (Douglas Rd Industrial Realty Trust) as it would have a detrimental effect on the litigating position of the Commission.

Dave Pickart explained that there are two issues to be discussed with regard to Douglas Road (Berkowitz Trucking). The first is the violations with the three detention basins on (Map 3, Parcel 120) and the other is the rebuilt retaining wall on Map 3, Parcel(s) 119 & 118). D. Pickart provided maps on the screen to orient the NCC on the area(s) that are in question.

One (1) of the detention basins has been built and the other two (2) have not. They are to be located at the back of the property. It is D. Pickart's opinion that the two (2) basins be built or one large one in the same area and they could be a subsurface basin(s). However, there is a 20 foot high stack of railroad ties there now. The two (2) basins are not in the Riverfront area. They are in the buffer zone of an intermittent stream behind the property. D. Pickart checked with an attorney and they are of the opinion that non-compliance issues cannot be tied to another project even though it is the same owner. The property with the detention basins issues has an expired Order of Conditions (OOC). The most effective means to handle the violations is through an Enforcement Order (EO). It can include wording that they need to provide an updated site plan and a schedule of completion. If the NCC required a new Notice of Intent (NOI), that could delay the violation corrections three (3) or more years. Fines should be issued. The fine is basically just a statement. If the EO is not done according to the schedule then more fines can be issued. For 369 Douglas Road, a modified drainage plan will need to be submitted and / or a bond posted.

The wall is part of the property under the new OOC. The wall is existing but was newly reconstructed and a fine will be issued for this violation too. The fine for the unpermitted wall replacement will be \$300.00. Reference will be made to both violations that they need to be done concurrently or the basins need to be constructed before the new project is started. This milestone needs to be met or a cease and desist order can be issued. D.

Nov. 4, 2020

January 16, 2019 Executive Session

Pickart spoke with J. Berkowitz and he verbally indicated that he would comply with the remedy.

The drafts of the enforcement orders will be available for the next meeting for the NCC to vote on. They will also vote on the OOC at the same time for the new project.

Motion made by Mr. Arbuckle and seconded by Ms. Campbell. The NCC voted 6-0 by roll call vote of S. Gniadek – Yes; B. McNamee – Yes; C. Campbell – Yes; R. Chiras – Yes; J. Arbuckle – Yes; and J. Carroll – Yes to adjourn the meeting about 8:48PM and not return to open session.

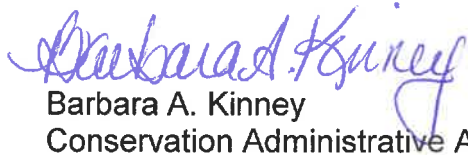
Respectfully submitted,

DATE APPROVED:

01/20/2021

DATE RELEASED:

02/03/2021



Barbara A. Kinney
Conservation Administrative Assistant