



TOWN OF NORTHBRIDGE

CONSERVATION COMMISSION

**7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS 01588
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Meeting Minutes May 11, 2011

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

Mr. Mills opened the meeting at 7:06PM. We were waiting for a quorum.

Citizen's Forum

None

(03-RDA-2011) 68 Brian Circle (Map 18, Parcel 96)

Proposed cutting of trees and leveling of ground to install a 24 foot above ground swimming pool on the side of the dwelling. The applicant for this project is Julie Costanza.

Julie Costanza pointed out on the plans where the trees are located that they want to cut down and put in a swimming pool. The detention pond closest to the lot was never built and there is a dwelling there now. The Conservation Commission asked how close to the wetlands the disturbance would be and Ms. Costanza was not sure. The Conservation Commission decided that a site walk would be needed before any decision could be made. The site walk has been scheduled for Monday, May 16, 2011 at 6:00PM.

Motion made by Ms. Peckham and seconded by Mr. Freer. The Conservation Commission voted 3-0 to continue the Public Meeting to May 25, 2011 at 7:05PM.

(248-579) 821 Quaker Street (Map 28, Parcel 29, APO 36)

Septic system repair for an existing single-family dwelling in the buffer zone of a Bordering Vegetated Wetland. The applicant is John Robicheau represented by Andrews Survey & Engineering, Inc., PO Box 312, 104 Mendon Street, Uxbridge, MA 01569.

Byron Andrews of Andrews Survey and Engineering stated that they are looking to replace the septic system. He stated that the system design has been approved by the Board of Health and their only condition is that they come before the Conservation Commission for approval. He submitted photos of the site and explained to the Conservation Commission why the septic system cannot be moved forward towards the front of the lot and away from the wetland. Where the septic system is now has a shallow bowl and the front of the lot has large rocks/ledge and is sloped towards the back of the property.

Motion made by Ms. Peckham and seconded by Mr. Freer. The Conservation Commission voted 3-0 to close the Public Hearing.

Motion made by Ms. Peckham and seconded by Mr. Freer. The Conservation Commission voted 3-0 to accept the plan entitled "Sewage Disposal System Repair 821 Quaker Street" dated April 7, 2010.

Minutes

April 27, 2011

There was no quorum to approve these minutes.

Old / New Business

West End Dairy, LLC – Discussion

Mr. Mills explained to the audience that there is no application from West End Dairy, LLC before the Conservation Commission and that the proposed activity observed at the site walk meets the standards of "maintenance" under the agricultural designation of the WPA.

Howard Fease, 248 Purgatory Road, states that he's concerned with the change(s) in the flood plain and how it will affect the pond with him raising the water level. Mr. Fease says that Mr. VandenAkker is using water that he has no right to and some of the abutters complained about the low water level last year. He then stated that the Army Corps. Of Engineers has the normal level of his dam at 23 inches. However, if Mr. Fease were to raise the dam to that level, it would put a house along the pond that is in the flood plain under water.

Vallerie Leslie, 37 Burdon Street (Sutton), lives on the pond and is concerned with everything being pushed into the water. She also stated that the West End Dairy, LLC property has stripped the shoreline with no erosion controls in place.

Herman Nydam, 8 Burdon Street (Sutton), stated that he has watched this happen year after year of dumping gravel, rocks, etc. into the pond. Mr. Nydam also went on to state that Mr. VandenAkker gave up farming about 15 years ago, but states that he's still a working farm. The State Agricultural Department has no record of West End Dairy, LLC, per Mr. Nydam and the state does not recognize them as agri-tourism. Mr. Nydam stated that West End Creamery does not make anything; it is just an ice cream stand. Mr. Nydam says he has pictures of things that were done this year and last year. Mr. Nydam stated that Mr. VandenAkker's field(s) has been under water many times in the past and the dam is now in the best condition it has been in a long time. Mr. Nydam stated that Mr. VandenAkker is filling in the brook to give hayrides up over the gas line. Mr. Nydam said that there was a brook next to Mr. VandenAkker's house that is gone and somehow the wetland across the street has been plugged to not flow across the street. He also says that Mr. VandenAkker is filling in the brook by Route 146.

Linda Dzicek, 2024 Quaker Street, who owns property at 16 Carr Street (Sutton), stated that there is a house in the flood plain that does not belong there. She also stated that no one is gauging how much water Mr. VandenAkker is pumping out of the pond. Last year she did not have a waterfront property, but a mud yard. She has called the Department of Environmental Protection (DEP) and has not gotten anywhere. She stated that DEP visited the site last year and she wants to know which pump was inspected as there are two. The small pump is used for the mini-golf and the larger one is for the corn maze.

Mr. Mills stated that when the site walk was done last year, the Conservation Commission members did not see any silt in the water. Mr. Mills explained that water rights are not under the jurisdiction of the Conservation Commission. However, he believes that the limit is 100,000 gallons per day. Mr. Mills explained to the residents what exactly is under the Conservation Commission's jurisdiction such as soils, vegetation, how long the area stays wet, etc. However, they have no control over the actual removal of water.

Mr. Mills stated that agri-tourism / Chapter 61A agricultural are outside of the jurisdiction of the Conservation Commission.

The Conservation Commission will do some research to answer the questions about which agency administers the "agricultural" designation of the West End Dairy, LLC and whether DEP was aware of the mobile pump being used for irrigation last summer.

This discussion will continue to the next meeting.

(248-469) Marston Heights (Hills Condo Lot 2) – Request for Certificate of Compliance
Heritage Design Group has not contacted the Conservation Commission on the status of the completion of the outstanding item(s).

(248-573) Camelot – Discussion

The Conservation Commission has received the first reports regarding the erosion controls and Tunison Dias has sent Heritage Design Group the contract for the certification of the vernal pools. We should receive the deposit check later in the week.

Other

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

The Conservation Commission is looking to set up a site walk to 1423 Quaker Street. Ms. Kinney will contact Mr. Chagnon to see when he is available as he has already spoken to Dale Dunne.

The Conservation Commission spoke with the two candidates to fill the Conservation Commission vacancies and approved Diane Schotanus and John Brown to be appointed to the Conservation Commission.

Motion made by Ms. Peckham and seconded by Mr. Freer. The Conservation Commission voted 3-0 to adjourn the meeting at 8:25PM.

Respectfully submitted,

DATE APPROVED: July 27, 2011

Barbara A. Kinney
Conservation Administrative Assistant