



## **TOWN OF NORTHBRIDGE CONSERVATION COMMISSION**

**7 MAIN STREET  
WHITINSVILLE, MASSACHUSETTS 01588  
Telephone: (508) 234-0817  
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### **Meeting Minutes December 14, 2011**

Bill Freer, John Brown, Terry Bradley (late), Diane Schotanus and Andrew Chagnon were present. Cheryl Peckham and Wyatt Mills were absent. Barbara Kinney, Administrative Assistant was also present.

Mr. Chagnon opened the meeting at 7:00PM.

#### **Citizen's Forum**

There was no one present for Citizen's Forum.

#### **(248-582) Lot 3 Carpenter Road (Map 10, Parcel(s) 3 & 42)**

Proposed construction of a single-family dwelling including a subsurface sewage disposal system with private well together with any associated grading within the buffer zone of a vegetated wetland. The driveway to access the dwelling will cross the wetland. The applicant is Matthew Leonard represented by Heritage Design Group, 1 Main Street, Whitinsville, MA 01588.

Mark Anderson, Heritage Design Group, and Matt Leonard, applicant, were present.

Mr. Bradley arrived at 7:11PM.

Mr. Anderson explained that this public hearing was continued to address the concerns raised as a result of the site visit. (Mr. Mills, Ms. Schotanus, and Mr. Freer attended the site walk). The driveway has been addressed and has been submitted to the ZBA for a variance under a retreat lot for the driveway to be a common driveway between the two adjacent properties (owners are related). It has been approved by the ZBA, per Mr. Anderson, and will now be submitted to the Planning Board for a Special Permit.

The common driveway is located further away from the wetland and the trees/vegetation in the strip will be preserved. The crossing will be a 24 inch culvert with headwalls at each end. The wetlands were flagged by Eco Tech and the restoration area has been included. There is no significant cut of trees in the area. Some of the smaller trees will be removed then the replication area is done there.

The driveway will be gravel and ultimately paved when the house is finished. Mr. Chagnon suggests a base/binder course be installed as soon as the driveway goes in to help stabilize the area. Mr. Anderson stated that there will be double rows of hay bales on the lower slope side and a single row of hay bales on the higher slope side along with silt fences on both sides. Mr. Anderson states that this should be sufficient for erosion controls and it would be best to put the base coat of gravel for now so the large equipment traveling

over the driveway during construction will not ruin the base coat of pavement. It would be paved when the house is ready for occupancy. The Conservation Commission and Mr. Anderson reached a compromise of putting a gravel base and then a layer of recycled asphalt during construction and then the binder coat when the house is ready for occupancy.

Mr. Chagnon suggests that the replication area be done as soon as construction starts so it will have time to establish while the house is being built.

Motion made by Mr. Bradley and seconded by Ms. Schotanus. The Conservation Commission voted 5-0 to close the Public Hearing.

Motion made by Mr. Bradley and seconded by Mr. Freer. The Conservation Commission voted 5-0 to approve the plan "Sewage Disposal Layout for Lot 3 Carpenter Road" dated September 6, 2011 with a final revision date of December 14, 2011 with the special conditions that the replication area be constructed as soon as construction begins, the erosion controls be placed as shown on the revised plan and the application of recycled asphalt be used on the driveway during construction and a binder coat installed when the house is ready for occupancy.

## **Minutes**

November 9, 2011

There was no quorum to approve these minutes.

November 30, 2011

Motion made by Mr. Chagnon and seconded by Mr. Brown. The Conservation Commission voted 4-0 (Mr. Bradley had not arrived yet) to approve the minutes of November 30, 2011 as drafted.

## **Old / New Business**

Application for Letter of FEMA Map Revision - Discussion

Phil Pulitzer of Lawson & Weitzen and Mark Anderson of Heritage Design Group were present.

Mr. Anderson stated that Tighe & Bond prepared the flood study during the last 18 months in the area North of Lackey Dam Road down to the lower lever dam after Whitin Machine Works. The study concluded that the flood line should be less than the current flood line which extends across Main Street to Arcade Pond. The proposed flood elevation line is 310.4 where the current flood line is 312. Mr. Anderson said that this is more accurate than what FEMA has done in the last 20 years or so. He is looking to the Chairman of the Board of Selectmen to sign the document. The Board of Selectmen are looking for input from the Conservation Commission first.

Mr. Anderson states that the signature is seeking an acknowledgement only. Mr. Freer wanted to know what are the reasons for submitting this to FEMA. Mr. Anderson explained that the area is the entire Arcade Mill property that includes Potpourri and Core Mark which is currently located in the flood plain. The new flood plain line would take this property out of the flood plain and their flood insurance would be lower. This proposed flood line would also take the area under litigation (Arcade Realty vs. the Town of Northbridge Conservation Commission) out of the flood plain and have an effect on that as well.

Mr. Chagnon read the FEMA language out loud and it is as follows:

“As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community’s review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2( c ), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.”

Mr. Bradley stated that this language sounds like an endorsement.

Mr. Chagnon stated that although he is not aware of the requirements of our community floodplain management plan, or if one even exists, if the data being proposed by the applicant is accurate then they are asking FEMA to revise their maps to depict a more appropriate flood line and he can’t see why the Town would have an issue with this.

Mr. Chagnon has an issue with the final sentence which he read as we (we being the Town) have determined that in light of the changes proposed by the applicant that the land and any existing or proposed structures to be removed from the SFHA (flood zone) are or will be reasonably safe from flooding and that we (again the Town) have available upon request by FEMA, all analyses and documentation used to make this determination. Mr. Chagnon stated that he does not see how the Town can sign this as we (the Town) have not determined anything, all the work has been performed by the applicant. Mr. Chagnon was concerned that should the Town sign this, and at a later date the analyses prove to be wrong and the areas in question flood, the Town could be considered liable for private property damage.

Mr. Anderson respectfully disagreed with Mr. Chagnon’s interpretation.

Mr. Chagnon suggested to the representatives of the applicant that the Conservation Commission might consider recommending the Town sign the application if the applicant were willing to pay for a peer review of the analyses by a qualified third party. Mr. Pulitzer asked what this might entail. The Conservation Commission explained that they would coordinate with the applicant to determine an appropriate company for review and the applicant would pay for the review. Mr. Pulitzer questioned if this was just a duplication of what had already been done. The Conservation Commission responded that the work to date has been done for the applicant and if the Town is going to sign off on it they should have their own consultant look at it. Mr. Anderson stated the applicant would not be willing to do this and they would submit the application without the Town’s signature (which they are allowed to do if they can show that they tried to get the document signed and the Town refused).

Mr. Chagnon polled the Conservation Commission to see if anyone was in favor of recommending signature by the Town. No member indicated they were in favor of this. Mr. Chagnon indicated the Conservation Commission would inform the Selectmen of their

position. Mr. Chagnon requested a copy of the Tighe & Bond report and Mr. Anderson stated that he would see that the Conservation Commission receives one.

Ms. Kinney stated that the Selectmen have requested someone from the Conservation Commission attend the next meeting and present their recommendation. Mr. Chagnon stated he will attend the Board of Selectmen's meeting and Mr. Freer and/or Mr. Brown may also attend.

**Other**

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

Motion made by Mr. Chagnon and seconded by Mr. Brown. The Conservation Commission voted 5-0 to *adjourn* the meeting at 8:18PM.

Respectfully submitted,

DATE APPROVED: January 11, 2012

Barbara A. Kinney  
Conservation Administrative Assistant