

Conservation Commission Meeting Minutes

Minutes of March 16, 2016

Members present: Steve Parretti, Chair; Joshua Soojian, Jim Cooper, John Marc Aurele, JoAnn Schold arriving at 6:37

Meeting called to order at 6:30PM

Extension of Order of Conditions

43 River Street – DEP#197-508 (single family house w/ replication)

Mr. Glenn Krevosky representing the applicant, made the presentation

The property would like to start building and the Order just expired

There will be no changes made to what was approved, everything will remain the same.

With no comments from the public and no further discussion from the Board, Mr. Parretti asked for motion.

MOTION: Mr. Marc Aurele moved to approve the Extension Request for 43 River Street DEP#197-508 to April 1, 2019

SECONDED: Mr. Soojian – Discussion: None – VOTE: 4-in Favor

Certificate of Compliance

18 Sabina Circle – Mark Robidoux

Frank Bicchieri of Bertin Engineering, representing the applicant, made the presentation

The property owner is requesting a Certificate of Compliance to clear the Title on the property.

This lot was part of a subdivision built in 2002.

The property has been well maintained and did not show any evidence of erosion and appeared well stabilized with lawn and shrubs.

With no comments from the public and no further discussion from the Board, Mr. Parretti asked for a motion.

MOTION: Mr. Soojian moved to approve the Certificate of Compliance to Mark Robidoux of 18 Sabina Circle, Rochdale, MA

SECONDED: Mr. Cooper – Discussion: None – VOTE: 4 in Favor

Ms. Schold arrived at this point

Notice of Intent

466 Stafford Street (cont) – solar installation at old Stafford Hill Estates site

The meeting was continued to allow the Commission to do a site inspection and review the original NOI to see whether there was any replication deemed on site and to also see if the wetland crossings needed to be put on hold. The Commission also asked that the applicant address all DEP's concerns by the next meeting.

Mr. Steve Long of Borrego Solar Systems, Inc. made the presentation.

There would be no work within the wetlands and the ground where the panels were going was already disturbed. They will provide ground cover native to this area.

Mr. Michael Martarios, property owner said the comments from the fire chief had concern with the one narrow crossing and they will increase the road width to the fire department's standards.

Mr. Marc Aurele said they were unable to determine whether the replications were done or not during the site inspection, because a lot of time had passed.

The site was currently stable and there were no signs of erosion.

The original flagging could still be seen and there were new flags placed more extensively around showing more wetlands. He felt the increase in road width should not create disturbance to the wetlands.

Mr. Long noted the project was also before the Planning Board for Site Plan Review, but got continued, to allow the Town Engineer to review their response comments and amended plan. He said when they increase the road width, silt fence/hay bales will be installed to ensure no disturbance to the wetlands.

Hearing no comments from the public and no further comments from the Board, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the Notice of Intent for 466 Stafford Street Solar Project with the contingency that if changes are required by the Planning Board after the Site Plan Review, the project has to be brought back to the Conservation Commission for review. Hay bale and silt fence inspection be done by the Commission prior to the start of work.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Request for Determination of Applicability

19 Ackley Drive (addition onto home further into BVW)

Mr. Parretti read the Notice into the record and then opened the hearing.

Keith Burt of Burt Builders & Chris Hallen, property owner, represented the petition.

They want to build an addition off the back of the house in an area that is currently being maintained as lawn. The addition will be the width of the current home, 30-feet wide by 25-feet deep. They will encroach further into the 100-foot wetland buffer, but will not be within the 25-foot No Disturb. There are no wetlands on their property; the wetlands sit off from the property. They will be meeting before the Zoning Board of Appeals for a Variance from the sideline setback.

Comments were opened to the public.

Mr. Ed Faron, 740 Pleasant Street said the wetlands in questions sit on his property. His concern was having this addition will sit 18-feet from the boundary to his land.

The wetlands do not begin immediately at that boundary. There is approximately 20-25 feet before the wetlands begin and there were approximately 43-feet between the back of Mr. Hallen's house and the wetlands. He was concerned on how much additional water would be going into the wetland. He asked if there will be a silt fence and hay bale buffer placed around the entire back boundary and how will water runoff from the roof be directed away from the boundary.

Mr. Burt said there will be roof gutters that will direct runoff into perimeter drains.

There will be silt fence and hay bales placed around the entire back boundary during construction. The home was connected to Town Sewer and there was no additional plumbing.

Ms. Pat Faron, 740 Pleasant Street asked where the runoff from the gutters was directed and asked that the runoff not to be directed into the wetlands.

Mr. Marc Aurele suggested the runoff be directed into the swale between the two houses.

Mr. Faron asked if there was any grading proposed. Mr. Burtt said there will be a retaining wall at the addition.

The Commission had concern with Ackley Drive being a private road and the Town didn't maintain private roads.

Mr. Michael Benson, 24 Ackley Drive said when he built his home on Ackley Drive 30 years ago, it was determined Ackley Drive was a non-accepted Town Road. He maintains the road in the summer months and the Town plows it in the winter.

The Commission explained there was a drainage ditch that needed some attention.

There was a lot of the runoff entering onto the Faron property. Also there was a swale at 19 Ackley Drive, which diverts the runoff more onto Mr. Faron's property. There was a lot of siltation going into the wetlands.

The Commission agreed that whatever was the causing the water diverting onto Mr. Faron's property, needs to be fixed and the swale might need to be removed.

Mr. Chris Hallen said the swale in back of the property was done when the sewers were put in, but he will remove it if needed.

Mr. Parretti noted two different issues going on; one was the proposed addition and the second was siltation going into the wetland. He suggested for the residents try and resolves the issue with siltation going into the wetlands.

Mr. Marc Aurele suggested including a condition that there be no change in the site grade and if any change was done regarding the yard, by putting in the retaining wall, or to change the topography around the house, they would need to come back before Conservation.

With no further comments from the public & the Board, Mr. Parretti asked for motion.

MOTION: Mr. Marc Aurele moved to make a Negative #3 Determination; The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions: No alteration or change to the grading and to call the Conservation Office for review of the erosion control prior to the start of work.

SECONDED: Ms. Schold – **Discussion:** None – **VOTE:** All in Favor

Mr. Parretti noted that inquiries to DEP and Town Administrator will be made on how to address concerns with private roads, in relation to the runoff and siltation control.

The Commission will keep check of the situation.

Extension of Order of Conditions

705 Stafford St (Victoria Drive) – DEP#197-353 (Briarcliff Estates)

Joshua Lee Smith of Bowditch & Dewey, applicant's attorney and Matthew Bassick, Applicant represented this application.

The original Order was signed by the Commission on May 19, 2004, having an expiration date of June 1, 2007. The Order was extended to June 1, 2009 and by virtue of the Extension Act, was extended to June 1, 2013. Matthew Bassick acquired the project in January 2013.

The Planning Board voted to extend the deadline for completion of construction to January 15, 2017. There were 34 units originally approved for this project and there are 8 structures built. They anticipate constructing 4 to 6 units a year. There will be no changes made to the dimensions or locations of the structures and Stormwater was in place

The Commission had concern with the existing flagging on the property and asked to have the property reflagged.

They noted between lots 3 & 4 need to be reflagged and on the northern side entering the development between units 20 & 14 need to be reflagged.

Mr. Bassick asked to be allowed to only hay bale the individual lot as they build on it, instead of placing hay bales around the entire development.

Mr. Parretti suggested approving the extension based on the condition of reflagging the wetlands and prior to any new unit construction; they request for a hay bale/silt fence inspection, before starting construction on each new unit.

With no comments from the public and no further comment from the Board; Mr. Parretti asked for a motion.

MOTION: Ms. Schold moved to extend the Order of Conditions for 705 Stafford Street (Victoria Drive) Briarcliff Estates for 3-years, to June 1, 2019 with the conditions of reflagging the wetland and the areas designated and reviewed on the approved subdivision plans, including areas B1 through B12 and C13 through C28 as shown on Sheet 8 of said plans. And any subsequent construction taking place, the developer is required to give notice to the Commission for hay bale and silt fence inspection.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Amendment to Order of Conditions-705 Stafford St (Briarcliff)

The following minor amendments were requested to the original LCC Orders and Conditions: Condition #6- Delete and replace "all lots will be encompassed by the NOI and not counted individually".

Condition #13 - Delete "once a month"; replace with: "required as needed" and add text: "Development inspections are required prior to construction of each unit."

Conditions #18 - add text to the end of the first sentence: "except as shown on the previously approved plan."

Condition #25 - Delete and replace with "The applicant shall provide erosion control as appropriate to the situation."

Condition #26- Delete "300" and replace with "20" and add the following to the end of the first sentence: "around each individual building site as each new unit is constructed."

With no further discussion; Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to accept the Amendment to the Order of Condition for Briarcliff as noted during discussion.

SECONDED: Ms. Schold – Discussion: None VOTE: All in Favor

Board Discussion

45 Fairview Drive – question if OOC amendment needed

Michele Coper, 45 Fairview Drive was present.

She currently has an NOI to do a septic repair/installation and asked if the following work could be done with amending the NOI.

- Renovating & expanding the deck, removing old siding and install new siding, reroof the house, install a non-permanent dock and do some minor landscape work.

The Commission agreed the work was minor in nature and to call the office for an inspection before each job task.

Conservation – FY17 Budget NOI Account

Memo from the Town Administrator, Kevin Mizikar recommending the amount of \$3,521 from the Town's Wetland Protection Act revolving fund be appropriated through Annual Town Meeting in May. The amount was equal to the fees collected in FY15.

MOTION: Mr. Soojian moved to approve

SECONDED: Mr. Marc Aurele – Discussion: None – Vote: All in Favor

Stafford Street/Wilson Street – (no response – no report received)

A Cease and Desist Order will be sent to the property owners for being in violation of their Notice of Intent, which requires regular monitoring reports. Conservation imposed a fine of \$50 per day, starting from the date of the letter and continuing until a report was received.

In addition, a formal Enforcement Order was issued that will be recorded at the Registry of Deeds and copied to DEP.

The Commission required they bring in a Wetland Specialist to evaluate and inspect the site and confirm work was being conducted within the Scope of Work approved.

Chapel Street Mill – (no response to site visit request)

The letter requesting a site walk, sent by Certified Mail, was returned. The Commission suggested resending letter by regular mail.

65 Henshaw Street – (installation of pool –outstanding OOC #197-280)

A building permit was applied to install a pool on this property. The Commission agreed as long as placement of the pool was behind the house and outside the buffer, there was no concern.

Approval of Minutes

2/17/2016

Tabled to next meeting

New Business

Mail

A letter from CAN Surety regarding 397 Mulberry Street Bond on the replication work was being cancelled.

MOTION: Mr. Marc Aurele moved to call in the Bond because work was not complete

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Miscellaneous Updates

Ms. Buck informed the Commission that the Building Permits applications will include a wetland questionnaire form, to be filled and submitted with the application.

With no further discussion; Mr. Parretti asked for a motion to adjourn

MOTION: Mr. Soojian moved to adjourn meeting

SECONDED: Mr. Marc Aurele – Discussion: None – VOTE: All in Favor

Meeting adjourn at 8:30PM

Respectfully submitted:

Barbara Knox

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