



## Paxton Conservation Commission

Minutes of the April 14, 2011 Meeting

Location and Time Paxton Town Hall 7:42 – 9:00 pm

**Attendance** Commissioners: Chris Keenan (chair), Justin Thackeray (vice-chair), Jim Robert, Marisa Ayvazian, Daniel Gehnrich. Commissioner absent: Michael Voorhis. **Others present:** Mark Love, Jason Dubois, Carl Hultgren, Holly Robert.

Minutes of the March 10, 2011 meeting were approved with minor correction.

### Public Hearings:

**Request for Determination of Applicability** for construction of a Fieldhouse at Anna Maria College. Carl Hultgren (Quinn Engineering) presented the plan. Keenan recused himself as he is also an employee of Quinn Engineering; hearing was chaired by Thackeray. The proposed work is beyond 100' from any nearby wetland, as well as being beyond the 400' outer protection zone from the stream that is tributary to Pine Hill Reservoir. Jim Robert reported having just visited the site and agreed that the location of work is in upland and the distances shown on the plan seem accurate. The hearing was closed and a motion to issue a **negative determination** was made by Robert and seconded by Gehnrich; motion carried.

**Notice of Intent** for work at the **Paxton Ponds subdivision off Red Oak Street**. This is a continuation of the hearing opened at the March 2011 meeting. Jason Dubois described the additional work done since the March meeting. An updated report on wetland delineation was provided. Drainage calculations for the sediment basin have been performed. The planned location of the permanent sediment basin has been moved so that it is now more than 50' from the 100-year flood line. A separate temporary sediment basin to be used during construction is now in the plan, this will be filled in after road construction is complete. The hearing was closed and a motion to **issue a standard order of conditions, with one special condition** was made by Robert, seconded by Ayvazian. The special condition is that the PCC receive copies of the EPA-mandated storm-water reports (due to the size of the project a report must be made whenever more than one half inch of rain falls). Motion carried.

### Miscellaneous

- A copy of a letter from Holly Robert to Richard Trifero was received; the letter requests zoning enforcement by the Town of Paxton, under bylaws 5.8.5 and 5.8.6. Their property is being inundated by water from the Love's adjacent property; there are also piles of horse manure that are closer than allowed to wetland.
- A letter was received by the commission from Patrick Garner, stating that illegal activities have been undertaken on the Robert's property. These are (1) that a sandbag barrier has been placed within BVW, this is within an intermittent stream and will cause flooding on the Love's property; (2) that a wooden weir device was placed within the stream and (3) that systematic cutting of vegetation took place in the summer of 2009 and 2010 within wetland. The Roberts stated that the sandbags are not preventing flow; no vegetation was removed to place the weir, which was a temporary monitoring device that is an exempt activity; an RDA was filed to do the tree cutting, ice-storm branch debris clean-up and invasive vegetation removal. Keenan reported visiting the site and stated that the sandbags are half way up the stone wall, allowing water flow underneath, only if there was larger flow would there be some slowing or detention of water. Keenan also stated that the PCC has seen continuing evidence of large volumes of water still reaching the Robert's property from the Love's property; a stream channel has formed with exposed tree roots, which is a sign of new/additional flow that these trees have not been exposed to before; the corrective measures undertaken by Patrick Garner (as part of the DEP order to the Loves) do not appear to be sufficient to cope with the water flow that exists on the Love's property; this may be due in part to the fact that although the underground pipes that were required to be removed were indeed removed, stone and fill that was around the pipes was left in place and may be causing continued rapid flow at the same places; the Loves may have met the requirements of them made by the DEP, but there still seems to be a problem. Keenan also reported having spoken to Phil Nadeau (DEP), who stated that the Roberts are only showing pictures of the site in extreme conditions. Mr. Love stated that the property has been under intense scrutiny since this problem emerged; they have not done anything without DEP's approval; this included receiving permission from the DEP to replace the material around the underground pipes with the material that had been removed to get the pipes out. The Commissioners agreed that Keenan would write a letter to Phil Nadeau explaining what was discussed at this meeting.
- Robert visited **6 Arrowhead Drive** and found no wetlands concerns.

The next meeting of the Commission will be held on Thursday, May 12 at 7:30 PM.

Respectfully submitted,

Justin Thackeray

