

Approved 10/9/14

**PAXTON CONSERVATION COMMISSION**

**MEETING MINUTES**

**September 11, 2014**



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**Location and Time:** Paxton Town Hall 7:30-10:00 pm

**Attendance:** Commissioners: Chris Keenan (Chair), Tim Lauring, Jerry Ryan, Marisa Ayvazian (vice-chair), Holly Robert (Associate), Others present: Kevin Quinn, John Farnsworth, Brian Killelea, Frank DeFalco, Art Allen, Mark Love, Charles Caron, Mark Elbag Absent: Michael Voorhis, James Robert (Assoc.)

**Public Hearings:**

**Request for Determination of Applicability, 180 Marshall St, owner Peter Schur.** The advertising fee was paid, \$50. The hearing needed to be advertised correctly.

A motion was made by Jerry Ryan to issue the RDA from the previous meeting, seconded by Marisa Ayvazian, vote 4-0 in favor.

**Request for Determination of Applicability(cont'd), 1 Brigham Road, owner Robert Diverdi.** Clearing in the Buffer Zone. CK recused himself as plan was done by Quinn Eng. Art Allen stated that the current wetland lines were flagged by EcoTec. About 4,000sqft. was disturbed and part of the flood zone was filled in. A silt fence barrier was suggested to the owner. The RDA was withdrawn and the owner will pull fill out of the flood zone. The whole area will be re-vegetated. The work will be done under the enforcement order. The plan will be revised to show the fill removed and yard waste will be removed also.

A motion was made by Marisa Ayvazian to continue the hearing, seconded by Jerry Ryan, vote 3-0 in favor.

**Notice of Intent (cont'd), AT&T Mobility, 196 West St.** Access road only for proposed cell tower. Four changes were previously asked for and were changed on the plan.

A motion was made by Marisa Ayvazian to close the public hearing, seconded by Jerry Ryan, vote 4-0 in favor.

An Order of Conditions was issued with one special condition to mark any trees to be removed prior to construction and retain as many as possible in the buffer zone and wetlands, motion made by Jerry Ryan, seconded by Marisa Ayvazian, vote 4-0 in favor.

**Notice of Intent, 10 Indian Hill Rd, owner Eileen McHugh.** Septic repair. Wetlands were delineated. The site is limited in area. The BOH granted variances for setbacks that benefit the wetlands. All work will take place in the lawn area. The silt fence will be inside the tree line on the lawn. A \$50 check for advertising and \$75 check to the Comm of MA were received.

A motion was made by Jerry Ryan to close the public hearing, seconded by Marisa Ayvazian, vote 4-0 in favor.

A Standard Order of Conditions was issued. A motion was made by Jerry Ryan, seconded by Tim Lauring, vote 4-0 in favor.

**Discussions:**

**WCMP** There is still a large amount of information to add to the plans and work needs to be done diligently. The areas in question need to be stabilized. Photos should be shown for evidence of stabilization. The piles have had very little erosion. Catch basins need to be kept cleared possibly using a silt sack material. When the piles are being

worked on there needs to be hay bales and silt fencing. Wetland flags have been set. CK didn't see an issue with waiting 1 or 1.5 months so flags will be more visible (for November meeting). A maintenance plan for future needs should be encompassed in the permit. The NOI hasn't been officially accepted as complete and the public hearing will be opened when received. HR recused herself from discussion.

**16 South Street, owner David Holton, Enforcement Order.** Kevin Quinn presented that the property was perked two weeks ago. Work was done in the buffer zone and the wetlands are to be delineated. An NOI will be filed with a plan possibly by November but a report will be presented next month. CK recused himself from discussion.

**Part-time Conservation Agent.** CK spoke with Carol Riches and the position is in the process of being advertised. HR suggested that it also be put on the MACC website along with the newspaper. All agreed to leave a pay rate open until there is a candidate because it depends upon the level of candidate we get. CK will email the members a job description.

**Spaulding Woods, Davis Hill Rd.** Earth moving has been done recently. Restoration was not required before work was performed. Commission should reiterate with Bob Clark and/or Kevin Quinn the conditions. Storm water reports need to be submitted. CK recused himself from discussion.

**313 Richards Ave.** HR sent an email asking for a response to a letter sent on 3/10/11 and who/what is going to protect her property from further damage. What is the process to have the two streams determined existing. CK stated that the work done on the property is not in violation of the Wetland Protection Act and that the Commission responded to the letter through discussions at meetings. HR presented that bordering vegetative wetlands converted into a stream in my opinion is a violation. DEP or the ConComm. needs to make that determination. CK agreed there are two streams there but we cannot determine when the second stream was created or began existing. The work on the Loves property did change the resource area on your property. Wetlands can change without there being a violation. CK added that he is reluctant to comment to the BOA appeal hearing because the ConComm's purview is not the Watershed Protection Act. HR stated that pipes were installed illegally and the riding ring was prohibited by the ConComm. but the Loves say it was there previous to them purchasing the property. Also, there is no wetland delineation on the property. CK would be willing to answer any questions that are directed to ConComm by the BOA. Mark Love gave his attorneys response to the email sent by HR.\* He didn't think it was appropriate for HR to come before the ConComm to reopen the issue. ML stated they have paid the penalties and complied with all orders. MA and TL agreed with CK on the Commissions involvement level on this issue. HR recused herself from board discussion.

**Miscellaneous-** Landmark bill for \$33 to be paid, motion by Jerry Ryan, seconded by Marisa Ayvazian, vote 4-0 in favor.

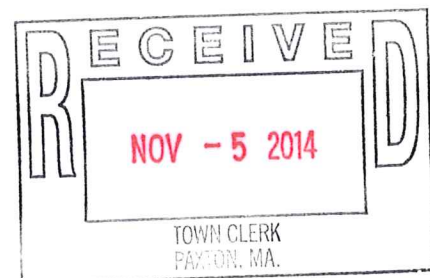
The meeting was adjourned at 10:00 PM.

The next meeting will be on Thursday, October 9, 2014.

Respectfully submitted,

  
Sheryl Lombardi

Town Services Coordinator



**Reference Documents:**

\*As noted in the minutes, on file with the Paxton Conservation Commission.