



## ***Paxton Conservation Commission***

### ***Minutes, October 10, 2013 Meeting***

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**Location and Time** Paxton Town Hall 7:36 – 9:47 pm

**Attendance Commissioners:**, Marisa Ayvazian (vice-chair), Daniel Gehnrich, Chris Keenan (chair), James Robert (vice-chair), Holly Robert (associate), Gerald Ryan, Michael Voorhis (secretary), Commissioners Absent: (None) Others present: Mark Farrell (Green Hill Engineering), Kevin Quinn (Quinn Engineering, Inc.), John Zimmer (South River Environmental), Ronald Mendez (Dewberry), Theresa Smith, Forest Smith, Warren Jewell, Joyce Remmes, Cornalijn O’Riordan, Lauren Reardon, Michael Coomey, Jeff Tasca,

**Minutes:** Minutes of the September meetings were not yet available. Minutes with minor corrections as previously approved by the Commission for June, July, and August were distributed by Chris Keenan.

#### **Monitoring/Project Updates:**

**Spaulding Woods (Pleasant Street)** - Chris Keenan has recused himself as a Commissioner from this project because Quinn Engineering (QEI) prepared the plans and he is involved with the monitoring of the project. Mr. Keenan updated the Commission with respect to the installation of the temporary 12” culvert at the main Olivia Knoll roadway crossing. The purpose of this culvert is to protect water quality and restore connectivity between the wetland areas on either side of the crossing. Bob Clark has installed the temporary culvert in the correct location as staked out by QEI. The culvert has been covered with crushed stone. Hay bales have been installed on the low side of the crossing but are still needed on the high side of the crossing. Truck traffic at this time does not require additional hay bales but the addition of any erodible fill material will. The Commission needs to remind Bob Clark about the need for hay bales on the upgradient side of the crossing. Michael Voorhis visited the crossing location on September 22, 2013 and September 23, 2013, prior to installation of the temporary culvert to document site conditions. An equipment breakdown resulted in an unexpected delay in the installation of the culvert, however, QEI advised the Commission on October 1, 2013 that the culvert had been installed. James Robert visited the site on October 2, 2013 for a follow-up inspection of the new culvert and thought the installation had been completed in accordance with the proposed plans.

QEI has also spoken with Bob Clark regarding the Spaulding Woods access from Davis Hill Road (Lots 1 and 2). The access from Davis Hill Road has been blocked off with boulders since it will not be needed with the temporary culvert installation. Bob Clark has begun to loam and seed disturbed areas of the cart path. QEI inspected the roadway and discovered an existing culvert which was covered with 8 to 10 inches of leaf litter under the roadway. A corrected plan is being submitted to the Commission to reflect this.

The Commission has received Stormwater Inspection Reports from QEI dated September 16, September 23, September 30, and October 7, 2013 with corresponding climate data. Additionally, a October 1, 2013 wetland monitoring report has been received from Arthur Allen, Senior Environmental Scientist, at EcoTec, Inc. This report relates to the 3,687 square foot wetland replication area which was constructed between October 10, 2012 to October 26, 2012. An inspection by Mr. Allen on September 27, 2013 found this area to be 100% vegetated with native wetland species and the replication in his opinion to be meeting or exceeding WPA general performance standards.

#### **New Business:**

**Asnebumskit Road** – A Forest Cutting Plan has been received from Kimball P. Moore on behalf of the Teresian Carmelites, Inc.. The FCP relates to anticipated cutting on 79 acres. The FCP has not been approved by DCR who will send the Commission another copy once a number has been assigned to the project.

**Pleasant Street (Howe Property)** – A memorandum dated October 7, 2013 with some supporting documentation has been received from Carol Riches with respect to a drainage issue on a forest parcel owned by Charles F. Howe. Mr. Howe and his son have been before the Select Board and have requested that the Town extend drainage pipes from Indian Hill Road down to another stream and drainage which runs along Pleasant Street. The drainage from the Indian Hill development built many years ago presently runs onto another Indian Hill Road property where the Town has a drainage easement. The runoff then enters Mr. Howe's property. Mr. Howe bought the property in 1993 and is now looking to develop the parcel, however, Chris Keenan notes that wetland mapping shows a significant amount of wetlands have existed on the site for some time. He has had opportunity to visit the area of the complaint, although no other Commissioners have been to the property. Since other Commissioners have not had opportunity to review the materials, Holly Robert suggested that copies be given to all for further research and that the matter be discussed at the next meeting. It was also noted that Mike Putnam may have completed mapping recently of storm water outfall locations for the Town and this may be something that would be helpful for the Commission to have on file. Chris Keenan will contact Mike Putnam about this latter issue, and notify Carol Riches that PCC needs some time to review the problem in more detail.

**Suomi Street (Assessors Map 13, Parcel 5) – Request for Determination of Applicability – Continuation of Public Hearing from August 8, 2013** – A revised plan with respect to the Request for Determination of Applicability for an isolated pocket of wetland were presented by Mark Farrell of Green Hill Engineering on behalf of the applicant, Marc Curtis. The revised plan incorporates additional contours and topography which were not shown on the original plan submitted to the Commission and were needed for the Commission to make a determination as to whether the wetland constitutes Isolated Land Subject to Flooding. James and Holly Robert have both recused themselves from any discussions with respect to the Suomi Street projects. Mark Farrell reports that the wetland area should be non-jurisdictional to the Commission because the wetland area supports only .05 acre feet of water and the threshold is .25 acre feet. On a motion by Michael Voorhis, seconded by Gerald Ryan, the Public Hearing was closed with a unanimous vote. A motion was made by Michael Voorhis to issue a Negative Determination of Applicability that the isolated area is not jurisdictional because it does not meet the thresholds for the definition of Isolated Land Subject to Flooding. This motion was again seconded by Gerald Ryan, and approved by all.

**Spaulding Woods (Pleasant Street) – Request for Amended Order of Conditions DEP File No. 257-0258, Robert Clark** - Kevin Quinn of Quinn Engineering (QEI) presented the revised plans and request for Amended Order of Conditions. Chris Keenan recused himself as a Commissioner and moved to the audience seating due to his company's involvement with the project. Plans have been revised to eliminate retaining walls which will reduce the cost of the project. Grassed side slopes are proposed to replace the retaining walls and this change reduces the amount of impervious surface by about 200 square feet. Changes in the grading have necessitated some changes in the location of erosion controls. These new locations are shown on the plans. Hay bales are needed on the upstream side of the culvert. Other changes include installation of a 12" temporary culvert to protect water quality until the open bottom arch culvert can be installed. Kevin Quinn stated that Bob Clark would like to install the open bottom culvert in the near future, possibly before the end of the year. Drainage calculations have been provided as the Commission requested and show that the culvert size is adequate for the location. A new driveway to the Thomas property, a Pleasant Street abutter to the project, has been shown on the plan. This results in an increase in impervious surface by around 200 square feet, however, this is offset by the decreases in impervious surface with the changes to the retaining walls at the wetland crossing. Previous plans proposed 2,100 square feet of wetland to be filled. These plans show an increase in the amount of wetland fill of 720 square feet, for a new total of 2,820 square feet of wetland fill. 750 square feet of wetland will be disturbed and replaced. The ratio of fill to replication is 1.5 to 1. Other changes included restoration and closing off the access road with boulders from the cart path coming from lots 1 and 2 on Davis Hill Road. James Robert reported that the work done so far was acceptable. Holly Robert asked if the Request for Amended Order of Conditions had been sent to DEP. Kevin Quinn said that it had not been sent, but they

transmit the amendment request information to DEP the next day. A motion was made by Michael Voorhis to Amend the Existing Order of Conditions to incorporate the proposed changes as outlined in the correspondence dated 9/26/2013 from QEI and the QEI Amendment Plans, Sheet 1 of 2 dated August 26, 2013, Wetland Crossing Revisions and Restorations and Sheet 2 of 2 dated September 26, 2013, Carpath Remediation. The motion was seconded by Marisa Ayvazian, and carried unanimously. An amended Order of Conditions will be issued.

**Davis Hill Road (Lot 1) – Request for Amended Order of Conditions DEP File No. 257-0266,** Robert Clark - Kevin Quinn of Quinn Engineering (QEI) presented the revised plan and request for Amended Order of Conditions. Chris Keenan, who has recused himself as a Commissioner, remained in the public seating due to his company's involvement with the project. The wall which the Commission wanted has been put back on the plan and is in the same location as it was originally. The wall will serve as a barrier between the house development and the resource areas. A conservation approved seed mix is proposed to be spread in disturbed areas of the Riverfront where trees were removed beyond the erosion control/barriers. The Amended Plan also incorporates the well which was not shown on the original plan approved by the Commission, but retains the water lines. A motion was made by Daniel Gehnrich to Amend the Existing Order of Conditions to incorporate the proposed changes as outlined in the correspondence dated 9/26/2013 from QEI and the QEI Plan entitled Subsurface Sewage Disposal Plan & Conservation Plan dated October 11, 2011, last revised 9/26/2013. Motion seconded by Gerald Ryan; all in favor. PCC will issue an amended Order of Conditions for this project.

**Request for Certificate of Compliance** was received from Quinn Engineering, Inc. for **40 Camp Street**. The Commission could not take up this matter at the September meeting due to a lack of quorum. Chris Keenan recused himself from the discussion because his company prepared the plans for the project. The request pertains to a Septic System Replacement and associated work completed by the applicant, Bob Desrosiers of Dig-in-Deep, and Order of Conditions dated 1/10/2013 (DEP File No. 257-0278). A check for \$25 was received from both Quinn Engineering and Dig-in-Deep. The check from Dig-in-Deep will be returned. A letter dated 8/22/2013 was received from Kevin Quinn of QEI certifying that work was completed in accordance with the plans and an "As-Built Plan" dated 8/13/2013 was received for the project. James Robert reported that he had visited the site in September and saw no problems with it. He also returned to visit the property on October 10, 2013 with Holly Robert. Marisa Ayvazian visited the site and also found the work to be satisfactory. The site is stable, has been seeded with grass and the work appears to have been completed as planned. Holly Robert noted that Condition #26 of PCC's Special Conditions included in the OOC limits use of fertilizer, and pesticides, herbicides, within 100 feet of a wetland resource area etc. and this condition was to remain in perpetuity. This requirement may be particularly important on this site due to presence of high ground water and the slow percolation rates described previously by the wetland scientist on the project. Daniel Gehnrich agrees that it is important that we protect our wetland and water resources living in the country. On a motion by Marisa Ayvazian, seconded by Gerald Ryan, it was voted to issue a Certificate of Compliance continuing the Condition #26 in perpetuity. Unanimous. The Certificate of Compliance will be issued to Quinn Engineering, although it was noted that a new owner has moved into the property.

**Notice of Intent for 196 West Street, AT&T Mobility** – Access road proposed for future telecommunications facility. Chris Keenan stated that PCC has not received a DEP File number for this project and is unable to open the public hearing without having this information. Other items missing are a \$75 check for the recording fee and a \$30 fee for advertising which needs to be payable to the Town of Paxton. John Zimmer of South River Environmental advised that the NOI filing was delivered to DEP and will follow-up with them on this, as well as to get the necessary checks. Chris Keenan also advised Mr. Zimmer that the NOI filing is missing the owner's signature. Signature pages containing the owners' signature then were provided to the Commission by Mr. Zimmer. Additionally, Chris Keenan advised Mr. Zimmer that while Paxton does not have a wetland bylaw, whenever there are situations that wetland replication is required, the Commission requests a ratio of 1.5 to 1 to assure the success of the project. The plans for this project showed approximately a 1 to 1 wetland replication ratio. The Commission will need copies of the DEP Field Data forms and information regarding Mr. Zimmer's qualifications. The project will also require site plan approval with the Planning Board and a Stormwater management report. The Commission would like to see the Stormwater report and calculations even though the PB will also be looking at this information. Additionally, the plans received by the Commission do not contain the

engineer's stamp. The Commission received plans that were 11" x 17" but would like a full size set of plans.

Since there were many abutters in attendance, Mr. Zimmer was allowed to give an overview of the project. The project will utilize an existing cart road which goes through Bordering Vegetated Wetland (BVW). There are 2,200 square feet of BVW which are being impacted. James Robert had visited the site and asked if they had considered placing the access road on the south side of the property where there was another entrance to the field. He also pointed out that several wetland flags were missing from the plans. Chris Keenan asked if the Commission would like to have an onsite visit with the wetland scientist. This was agreed to and a site visit was scheduled for Saturday, 10/12 at 8AM. The hearing was continued administratively to November 14, 2013.

#### **Old Business:**

**Worcester County Memorial Park** – Chris Keenan has issued a second Enforcement Order to the cemetery (217 Richards Avenue) which was hand delivered to them on 9/23/2013. Among the items of concern cited in the order were tree removal and fill placed along the perennial stream near the western property boundary and fill, debris, and ongoing earthwork operations along the southern boundary. The activities have impacted wetland resource areas, Riverfront, and Buffer Zone. Burial activities have been continuing in close proximity to the perennial stream. Drainage pipes have been installed within grave site areas and directly outlet into the perennial stream along the western park boundary. The perennial stream has been relocated through a large diameter culvert. The Commission has ordered the cemetery to immediately cease and desist from any activity affecting the Buffer Zone and or resource areas and to file a Restoration Plan by November 30, 2013. A detailed survey plan has been requested indicating historic wetland areas, altered wetland areas, Riverfront, and associated Buffer Zones jurisdictional to the Commission. The resource evaluation must be completed by a professional with expertise in the area of delineation of altered wetlands and disrupted sites and approved by PCC. The cemetery has been requested to submit a Notice of Intent by November 30, 2013 for alterations proposed to remain in place that have existed since 1991 along with evidence of alterations that were completed prior to 1991. An operation and maintenance plan shall be submitted for all activities occurring on site, including burials, landscaping, material stockpiling and earthworks, snowplowing. The Enforcement Order requires a Public Hearing be held and an Order of Conditions issued before any additional work is performed. The cemetery has been requested to immediately place erosion controls around unstabilized areas, and act to stabilize any ground disruption within 14 days. They have also been requested to submit burial procedure plans which include provisions for erosion controls where necessary, as well as operation and maintenance plans for material storage and earthworks projects which include provisions for erosion control.

The Commission has been copied on two letters which were sent to the cemetery. The first letter is from Karen K. Adams, Chief, Permits and Enforcement Branch, Regulatory Division of the Department of the Army, New England District Corp of Engineers and is dated October 1, 2013. The land clearing and earth moving work undertaken at the cemetery may have resulted in discharge of dredged or fill material in wetlands and streams below ordinary high water mark. Aquatic resources are regulated by the Corps pursuant to Section 404 of the Clean Water Act (CWA) and the ACOE has no record of the cemetery obtaining a permit for the work. Violations may be resolved either through removal and restoration of the work within waters and wetlands or by applying for an after-the-fact permit. A response by the cemetery has been requested within 30 days of receipt of the letter and a reference file number NAE-2013-2083 has been assigned. John Sargent is the Army Staff assigned to this matter. The second letter is from Philip Nadeau, Chief, Wetlands Protection Program, Bureau of Resource Protection at the Central Regional office of the Department of Environmental Protection (DEP) and is dated October 4, 2013. DEP has scheduled a "Fact-Finding Meeting" for October 23, 2013 as a result of their receipt of the Commission's Enforcement Order and may take enforcement action in response to the wetland violations which have occurred at the site. Chris Keenan will plan to attend this meeting at DEP offices, or let other Commissioners know if he is unable to attend. It is important that the Commission have representation at this meeting.

It was also noted that Commission members have observed heavy equipment at the site and that earth moving activities have continued at the cemetery following the recent issuance of the second

Enforcement Order. This activity has continued although the cemetery was requested to cease and desist from any further activities in resource areas or the Buffer Zone.

**Miscellaneous:**

- A bill for advertising of \$65 from the Holden Landmark was unanimously approved..
- A septic system plan for Lot 2 Soumi Street was received from the Board of Health. The Commission held a Public Hearing for this project in August after a NOI filing was received, and an Order of Conditions has been issued.
- A septic system replacement plan for 6 Holden Road was received. Jim Robert will visit the site.

The meeting was adjourned at 9:47 PM.

The next regularly scheduled meeting of the Commission will be on Thursday, November 14, 2013 at 7:30PM.

Respectfully submitted,

  
Holly Robert  
Associate Commissioner

On behalf of Chris Keenan, Chair

**Reference Documents:**

As noted in the minutes; on file with the Paxton Conservation Commission.



