



Paxton Conservation Commission
Minutes
September 6, 2012 Meeting

Location and Time: Paxton Town Hall 7:38 – 10:40 pm

Attendance Commissioners: Chris Keenan (chair), Michael Voorhis, Jim Robert, Marisa Ayyvazian, Daniel Genrich, Holly Robert (associate). Absent: (none) Others: Mark Love, Cindy Love, Patrick Garner, Steven Johnson, Rob Johnson, John Sansoucy, Tom Sansoucy, Scott Morrison, Don Marrone, Mike Marrone, Margaret Washburn.

Minutes: Minutes of the July 26 meeting were approved with minor corrections on a motion by MV and second by JR.

Minutes of the August 9 meeting were approved with a correction to the date of the meeting on a motion by JR and second by MV.

Public Hearings:

Request for Determination of Applicability – Kettlebrook Golf Club. Margaret Washburn presented a maintenance plan for the golf course where work was completed and/or is to be completed on a routine basis as deemed necessary by the course. Activities included yearly mowing of wetland grasses and saplings along cart paths, fairways, greens, and tee boxes, removal of dead, diseased or overgrown trees, and application of herbicides, pesticides, and fertilizers in wetland buffer zones. A detailed maintenance program including chemicals applied and application schedule was submitted to the Commission along with how these types of improvements to shrub swamps are valuable to the environment and bird habitat. HR questioned whether an RDA was appropriate as work was occurring in a resource area. DM questioned why a permit was required at all, because his other golf course in West Boylston does not have similar requirements, and is in DCR watershed. CK felt because the work to occur in wetlands was temporary only (mowing) and completed by hand with no machinery other than hand held tools (weed whackers, chainsaws), and because the effect of the work is an improvement to the existing bird habitat (shrub swamp), an RDA seemed appropriate. CK also commented that the Kettlebrook course in Paxton was built in the 1990's under different wetland statutes than the course in West Boylston which was built in the 1920's. The permit issued to construct Kettlebrook listed specific ongoing requirements which must be followed throughout the operation of the golf course. Failure to follow those requirements, in addition to work in wetland and wetland buffer zones resulted in the Enforcement Order issued by PCC. Motion to close the public hearing by MV, and second by DG. Motion to issue a Negative Determination by JR, and second by DG. Motion carried.

Notice of Intent – Highland Village – CK recused himself and stepped out of the room due to his firm's involvement with this project. Scott Morrison of Ecotec presented a plan to the Commission, and explained this is a re-filing for a project with an expired Order of Conditions. This is the same project which was previously approved by the Commission, and remains unfinished. The applicant only proposes to finish the project as designed and previously approved, with one minor change to the erosion control layout, so that each unit may be constructed individually, without requiring erosion controls for the entire project (hay bales and silt fence will be installed for each unit as they are constructed). The Commission agreed to issue a standard Order of Conditions with the special condition that the Commission complete a site visit and find the site in order and as per the submitted plans. Hearing was closed on a motion by JR and second by DH. OOC was issued on a motion by JR and second by DH. Motion carried. A site visit was scheduled for September 9, 2012.

Request for Determination of Applicability – 313 Richards Ave – HR and JR recused themselves as commissioners and stepped into the audience as abutters. Patrick Garner presented an application on behalf of Mark and Cynthia Love for the replacement of a failing culvert underneath the driveway which accesses their barn. The culvert is proposed to be replaced with a new culvert of same size, length, location and elevation (inverts). CK requested that the Commission receive certification letters from PG bearing his signature and seal, showing the old culvert and new culvert have the same dimensions, location, and elevation. HR commented that because the culvert being replaced is in the resource area, the Commission is obliged to issue a positive determination and to require a Notice of Intent be filed. CK responded that it was his interpretation that the resource area ended at the entrance and exit of the culvert, and that the culvert was not in a resource area. The hearing was closed on a motion by MV and second by DG. A Negative Determination was issued with the special condition requiring certification of the culverts on a motion by MV and second by DG. Motion carried. HR indicated her intention to appeal the Negative Determination issued for 313 Richards Avenue, for reasons included in her email to the Commission dated September 5, 2012.

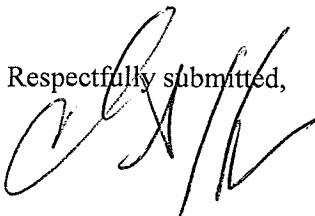
Notice of Intent – 8 McCann Place – Plan and application submitted by B. Gaska for work which had already been started in wetland buffer zones. An Enforcement Order was issued by the Commission earlier in the year when fill was placed next to the garage for boat and equipment storage. The Commission required the filing of an NOI to allow the fill to remain, and to complete the remainder of work proposed by the home owner. A concrete block retaining wall is proposed at the toe of slope for the existing fill to prevent any fill from reaching the wetland. The wall is to be extended along the wetland line to the rear of the garage to level the existing grass back yard, and make it more usable. The area is to be planted with grass and fruit trees. The hearing was closed on a motion by MA and a second by MV. A standard Order of Conditions was issued on a motion by DG and second by MV.

Miscellaneous:

- Tom Sansoucy was in to update the Commission on the progress of his sign replacement project at Illig's Pond. The sign fabrication is complete, and will be placed on new supports in the same location. He anticipates a September 15th start date, and inquired if the Commission had the ability to reimburse any of his expenses for the project. The Commission agreed to cover \$254.45, the cost of raw material for the project on a motion by DH and second by MA.
- Steven Johnson was in to propose trail improvements for his Scout project at Illig's Pond which shall include removal of dead, dangerous trees, installation of a new footbridge, and replacement of old rotten wooden pallets along the existing trail system. The Commission scheduled a site visit for this coming Sunday at 10 AM.
- The drainage discussion for 313 Richards Avenue continued with information again presented by opposing parties. HR and JR recused themselves from the Commission and stepped into the audience during discussions. Potential improvements to the Love property were discussed which could mitigate some of the drainage issues to the downstream property. A list of compromises was presented by ML, and further discussion continued with HR. CK commented the Commission recognizes the need to address runoff concerns on these properties, has visited both sites on many occasions to identify areas of concern, and has recommended improvements that could help with runoff rates at the property line. HR is reluctant to support the improvements and accept them as final action on drainage remediation without engineering calculations that show they will work. CK will prepare a letter to PG in response to his request for action on the sandbag placement, detailing the findings and recommendations of the Commission.
- HR requested a copy of the Negative Determination for 313 Richards Avenue to submit with her request to DEP.

The next meeting of the Commission will be held on Thursday October 11 at 7:30 PM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'C. G. H.', is written over the text 'Respectfully submitted,'.

Christopher Keenan - Chair