



Paxton Conservation Commission

Minutes, April 11, 2013 Meeting

Location and Time Paxton Town Hall 7:37–8:45 p.m.

Attendance Commissioners: Marisa Ayvazian (vice-chair), Daniel Gehnrich, Chris Keenan (chair), James Robert (vice-chair), Holly Robert (associate) Commissioners Absent: Michael Voorhis (secretary). Others present: Kathy Card, Larry Hammerberg.

The meeting was opened by Chris Keenan (chair) at 7:37 p.m.

Minutes: Minutes of the meeting of March 14, 2013 were unanimously approved as submitted following a motion by James Robert, which was seconded by Marisa Ayvazian.

Public Hearings: (None)

New Business:

Request for Certificate of Compliance by Larry Hammerberg for **4 Black Hill Road**. The Conservation Commission's records indicate there was concern about possible wetland filling during construction of a driveway dating back to when the home was originally constructed in 1988 and an Occupancy Permit was issued by the Building Dept. Correspondence in the file indicates that Mr. Hammerberg was requested to address these outstanding issues on multiple occasions by making a filing but that no information had been received by the Commission. Since the issues had never been addressed, the Commission had declined in the past to issue a Certificate of Compliance. Chris Keenan has visited the site and discussed the problems in trying to determine the extent of the wetlands that were filled so long ago and the lack of documentation in Commission records of exactly where the filling may have occurred. Also, Chris has discussed the matter with Robert Bertin, a former Commissioner, but not been able to clarify the issues beyond the hand written notes and sketches which are in the file. To move the matter forward, the Commission would like to have a current delineation of the wetlands on the site. Mr. Hammerberg is concerned with the cost of having to do this work and have it be surveyed. Chris Keenan believes the cost of having the wetlands delineated will not be prohibitive and the Commission needs to have this documentation in file. The Commission will be willing to take measurements of the wetland flag locations as a compromise. Mr. Hammerberg agreed to this arrangement.

Chris Keenan will correspond with Mr. Hammerberg on the qualifications needed by the wetland scientist who will conduct this work to be sure that the person is credentialed and with the proper experience.

Request for Certificates of Compliance by Roland and Kathy Card for **16 Red Oak Street**. Kathy Card is requesting that three Certificates of Compliance be issued (DEP File Nos. 257-0232, 257-104, and 257-65) to clear the title on the property to refinance. Chris Keenan has visited the site and recommends these be issued.

Regarding DEP File No. 257-0232 (a 2006 addition on the left side of the house), motion was made by James Robert, and seconded by Marisa Ayvazian, to issue a Certificate of Compliance. Motion approved, unanimously.

DEP File No. 257-104 relates to the original Red Oak Street, Hemlock Street, and McCann Place roadway construction and the project work did not apply to the individual house lots. Chris Keenan advises that the Commission needs to issue a partial Certificate of Compliance for 16 Red Oak Street. This pertains

only to the house lot and not to the roadway. A motion was made by James Robert to issue this Certificate of Compliance. Motion seconded by Marisa Ayvazian and carried unanimously.

DEP File No. 257-65 pertains to the original construction of the house and a septic system which was constructed in the buffer zone area with no wetland filling. Motion was again made by James Robert for issuance of the Certificate of Compliance, seconded by Marisa Ayvazian, and approved unanimously.

Request for Certificates of Compliance by Daniel Spencer for 6 Red Oak Street. Chris Keenan explained that this is a similar situation as with 16 Red Oak under DEP File No. 257-104 discussed earlier, and where the Commission should issue a partial release of the Order of Conditions. The Certificate of Compliance will relate to only the lot which is being released and not to the roadway. A motion was made by James Robert to issue this partial Certificate of Compliance, the motion was seconded by Marisa Ayvazian, and unanimously approved.

Old Business:

Enforcement Orders for Spaulding Woods Subdivision, Lots 1 and 2 Davis Hill Road. The Commission voted at its March 14, 2013 meeting to issue Enforcement Orders to Robert Clark of Clark & Mott Construction due to lack of compliance with Orders of Conditions on DEP File Nos. 257-0258 (Amended OOC issued 7/26/2012), 257-0266, and 257-0267. The Commission visited the three sites on March 30, 2013. In attendance were Marisa Ayvazian, Holly Robert, James Robert, and Michael Voorhis. In addition to deficiency items noted in Quinn Engineering monitoring reports previously provided, the Commission observed that a well had been drilled in the buffer zone recently on Lot 1 Davis Hill Road which was not shown on the plans for the project. The three Enforcement Orders have been prepared by Michael Voorhis, Secretary and are ready to be signed. James Robert offered to be the Commission's contact person on the matter. Chris Keenan recused himself and did not participate in the site visit or any discussion on these projects because his company prepared the plans. Holly Robert returned to the Spaulding Woods site today and presented a picture of the filled wetland crossing with the snow melted. The signed copies of the Enforcement Orders will be sent by Certified Mail to Mr. Clark and copies also provided to DEP, Quinn Engineering, and EcoTec.

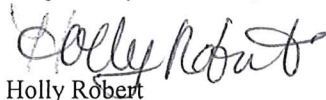
Where are the signed orders

Other/Miscellaneous:

- The Commission has been contacted by the American Legion who may want to do some tree cutting near protected resource areas in the rear of the property, and put in some picnic tables. The Commission has viewed the area of potential tree cutting and believes a Notice of Intent should be filed due to the close proximity of a stream channel. Chris Keenan will notify Tom Savage and request that a Notice of Intent be filed.
- Michael Voorhis has prepared the paperwork needed for reimbursement of MACC training expenses for Commission members: Holly Robert \$115 (Spring Conference), Marisa Ayvazian \$115 (Spring Conference), and Chris Keenan - \$205 (Wetland Delineation and Hydric Soils Workshops). On a motion by James Robert, seconded by Marisa Ayvazian, these expenses were approved unanimously.

The meeting was adjourned at 8:45 PM. The next regularly scheduled meeting of the Commission will be on Thursday, May 9, 2013 at 7:30PM.

Respectfully submitted,



Holly Robert
Associate Commissioner

Referenced Documents: (on file with the Paxton Conservation Commission)

