

Approved 4/10/14



## **PAXTON CONSERVATION COMMISSION**

### **MEETING MINUTES**

**MARCH 13, 2014**

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**Location and Time:** Paxton Town Hall 7:00-8:45pm

**Attendance:** Commissioners: Chris Keenan (Chair), Marisa Ayvazian (Vice-Chair), James Robert (Vice-Chair), Michael Voorhis (Secretary), Gerald Ryan, Holly Robert (Associate), Others present: Robin Tasca, Joyce Remmes, Marc Curtis, Shelley Hammond, Paula Gangai, Gino Gangai, Donmarie Desrosiers and Michael Burke.

**Minutes:** Minutes of the January 23, 2014 meeting were unanimously approved as submitted on a motion from Jerry Ryan seconded by James Robert.

#### **Public Hearings:**

**Notice of Intent, M Curtis/Green Hill Engineering, Lot 4, Suomi Street** for construction of a SFR. James Robert recused himself. CK had submitted comments to Green Hill Engineering prior to the meeting. It was determined that current DEP Storm water Standards must be utilized and noted on the plans. SH addressed the hydrologic issues such as the water quality swale next to the driveway and two grassed basins for runoff with raised outlets. They will be manageable for the homeowner to maintain. CK has confirmed the wetland line. The conditions to be set for the Order of Conditions are:

- The driveway will be graded towards the swale and shown on the plan
- A series of check dams are to be installed for the driveway, grassed not rocks
- Wetland delineation documentation must be received prior to construction

A motion was made by Jerry Ryan to close the hearing, seconded by Marisa Ayvazian, vote 4-0 in favor. A motion was made by Jerry Ryan for an Order of Conditions with the three conditions listed above, seconded by Marisa Ayvazian, vote 4-0 in favor. The Order of Conditions was signed.

**Notice of Intent, M Curtis/Green Hill Engineering, Lot 5, Suomi Street** for construction of a SFR. James Robert recused himself. Similar conditions exist on this Lot as in Lot 4. SH said she would put a swale next to the driveway and grassed detention areas for runoff. A continuance was requested by the applicant. They will submit additional information for the next meeting. A motion was made to continue the hearing by Marisa Ayvazian, seconded by Michael Voorhis, vote 4-0.

**Notice of Intent, M Curtis/Green Hill Engineering, Lot 6, Suomi Street** for construction of a SFR. James Robert recused himself. A prior NOI was received for this Lot. There is a 50 foot offset to the septic system. Storm water also needs to be addressed and a 25 foot buffer to the wetlands will probably need to be permanent barrier, hay bales won't work here as a permanent structure. Perhaps a wall would be best. A sign would be a good idea too because it is so close. CK stated that DEP is aware that it is a subdivision requiring Storm water regulations. HR asked if an amendment was needed on the

NOI that Storm water Regs. were needed but CK thought the application was okay to go forward. The applicant will submit for the next meeting, an amended plan with the added information requested. A motion was made by Michael Voorhis to continue the hearing, seconded by Jerry Ryan, vote 4-0 in favor.

**Notice of Intent, M Curtis/Green Hill Engineering, Lot 8, Suomi Street,** for construction of a SFR. James Robert recused himself. It was decided that the replication area will be extended. SH will note it on a revised plan. A motion was made by Michael Voorhis, seconded by Jerry Ryan to continue the hearing to the next meeting, vote 4-0.

**Notice of Intent, M Burke, Burke Engineering, 7 Indian Hill Road,** to repair a failed septic system. Jerry Ryan recused himself. Wetlands were flagged about four to six weeks ago. There is an intermittent stream to the left back of the house. CK asked for BVW data forms to be submitted and would like a coffer dam in this location to protect the stream. A correction to the plan that it is a tributary to drinking water needs to be made. It is not however within 200 feet of a perennial stream and not in the Watershed Protection District. The direction of the flow of the intermittent stream should be noted on the plan. A check made out to the Comm. of MA for \$75 was requested. The applicant asked to continue the hearing to make the corrections to the plan. A motion was made by James Robert, seconded by Michael Voorhis to continue the hearing to the next meeting, vote 4-0.

#### **Miscellaneous**

- Bills : Reimburse HR for a MACC Seminar for \$95.00, \$66.52 for the Telegram and Gazette, \$33.00 for the Landmark. Motion to approve by Marisa Ayvazian, seconded by Jerry Ryan, vote 5-0 unanimous in favor.
- Winter Delineation Policy – HR presented two versions for the board to review. All decided that putting a policy in writing is best even though it is standard procedure already. A copy of the accepted policy will be added to the website and to these minutes. Motion to approve the Extreme Winter Conditions Wetland Delineation Policy was made by Michael Voorhis, seconded by Jerry Ryan, vote 5-0 unanimous in favor.
- A letter was received from National Grid by request of CK regarding work being performed on Rockland Road, maintenance work on existing lines. They were asked to put it in writing. The work requires no permit from PCC.
- A letter was received from CHA Consulting regarding proposed road work on Holden Road. CK noted that there is a small intermittent stream that crosses Holden Road. The work is being performed by the State and is considered to have Limited Project Status. HR will write a letter of response with general comments. A future filing is anticipated.
- Septic plans were received for the following addresses from the BOH
  - 2 Burtenmar Circle, J Robert will visit the site
  - 391 Grove Street, J Robert will visit the site
  - 22 Red Oak Street, CK will visit the site
  - 9 Holbrook Lane, CK will visit the site
- Central MA DEP Regional Circuit Rider- CK will write a letter of support
- Open Space and Recreation Plan – Board members are in support of the plan and would like to have an ongoing open dialog with the Committee. A letter was written to Robert Bertin and the

## Paxton Conservation Commission

### Extreme Winter Conditions Wetland Delineation Policy

Delineating or verifying resource area boundaries during the winter months, especially with deep snow cover or frozen soil conditions, is difficult and under some extreme circumstances virtually impossible. Vegetation and other indicators of hydrology that are used to determine wetland boundaries are not readily observable or may be misleading during these times. MassDEP recommends that resource area delineations be avoided when deep snow cover or "deep freeze" conditions exist. When these conditions exist, it is also not possible to conduct a field verification of a delineation that was performed earlier, under favorable conditions, but was not submitted to the Commission until unfavorable evaluation conditions existed. Therefore, the Paxton Conservation Commission has concluded that it may be necessary and appropriate to continue any hearing on a filing with a material delineation that is based on any non-validated wetlands delineation, until conditions have improved sufficiently to permit field verification of the submitted delineation, irrespective of when conducted.

The Conservation Administrator (or a representative so designated by the Commission) is hereby authorized and directed to determine when such conditions legitimately exist and thereafter perform such evaluation and, if further directed, to schedule a Commission site visit for evaluation purposes, or if deemed advisable by the Administrator. Exception to this policy may be granted upon a written request stating the reasons for the exception sought. Each request shall be evaluated on its own merits, on a case-by-case basis. Grant of an exception on any given property or for any particular application, when warranted, shall be for that one instance only.

If the applicant does not agree to a meeting or hearing continuance in order to allow the Commission to complete an adequate field verification of the wetland resource boundaries affecting a particular application, the Commission shall close the hearing and make a determination based on the information available.

This policy is intended to be consistent with the Massachusetts DEP's "Winter Delineations" guidance as set forth in the MassDEP manual: "Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act (1995), on page 49 thereof.

Note: The Paxton Conservation Commission **will not** delineate or verify a wetland resource area delineation including mean annual high water line and BVW (Bordering Vegetated Wetland) line, **during deep snow cover or deep freeze conditions** that would make observation of vegetation, hydrology, or soil conditions and test pits difficult or impossible. The Paxton Conservation Commission will make every effort to delineate or verify a wetland resource area within 90 days if conditions have changed in the field that would make the type of vegetation, the wetland hydrology, and soil conditions identifiable. If the wetland resource area has not been verified after 90 days, the Applicant will be required to re-advertise the public hearing and re-notify abutters through certified mail, return receipt requested, once a hearing date has been determined.