

BLACKSTONE CONSERVATION COMMISSION  
MINUTES OF MEETING  
June 23, 2008

James Pitler, Chairman, called the meeting to order at 7:00 p.m. in the Senior Center of the Town Hall.

Present Were:

James Pitler	Lisa Brita
Lawrence Cannata	Maggie Plasse
James Plasse	

Absent Was:

Jesse Bousquet

Mr. Plasse made a motion to accept the Minutes of the June 2<sup>nd</sup> meeting. Mrs. Brita seconded the motion. The motion was passed by Unanimous Vote.

Jeremy Ballarino, 75 South Street, Franklin, MA - Mr. Ballarino has filed a Request for Determination of Applicability for property located on Milton Street Extension @ King Street, Lot 230. Bruce Wilson of Wilson Associates was present as representative. Mr. Wilson said that the Planning Board told them to come before the Conservation Commission. He said that the pond where the old Ice House was touches the limit of the project. He said that haybales have been used.

Tonya from Natural Resource Services was present as the Commission's wetlands consultant. She said that she had done a site visit, and she saw an exposed pipe in the area. Mr. Wilson said that pipe had been dug up illegally by someone else. Tonya said that there was wetland vegetation present at the channel. She said that she needs to see more flagging of the area. Mr. Wilson said that the survey was started in December and it was continued into March. Tonya said that she is concerned about the limits of disturbance. Mrs. Brita asked if the limits of disturbance were up to the haybales. Mrs. Plasse asked Mr. Wilson if he could flag the area. Mr. Wilson said that he could.

Mr. Wilson indicated that they will be putting in an 18 foot paved driveway. It will have a trench filled with stone running along the side of it to collect runoff. Tonya said that she would like to see flagging done on the south side, at the end of the driveway, and along the ditch.

Dennis and Alcid Marcotte of 6 King Avenue, abutters, were present at the hearing. Dennis Marcotte said that there is a stream along the back that is naturally fed from a pond further up. He said that it has been there for at least 55 years. He said that Milton Street is a paper street that needs to be kept clear. He added that they cannot pave it. Mr. Marcotte said that this project will flood Kenneth Marcotte's property on 33 Carter Avenue because there is a steep downgrade. He said that in 1967 this land was deemed wet. The Hogues were not allowed to build there because it was wet. Mr. Cannata said that determination is past the three year time frame.

Mr. Pitler stressed that Tonya's opinions are not biased. She works for the Town. Mr. Ballarino said that there is a drainage pipe on the property not a naturally fed pond. He said they did not Conservation Commission, Minutes of Meeting, June 23, 2008 continued,

disturb the land, and they never used a machine.

Tonya and Mr. Wilson agreed to do a site visit together. She said that she will do soil corings. Mr. Wilson said that he would flag the lot. Tonya said that she would check with Marc Bergeron about another project that had been done in the area.

Mr. Plasse made a motion to continue the hearing until the July 14<sup>th</sup> meeting. Mrs. Plasse seconded the motion. The motion was passed by Unanimous Vote.

Patrick Costello, Attorney for the Town of Blackstone, was present to give the members a general overview of their duties. Mr. Costello said that some of the Commission's duties are to plan the use of wetlands and be enforcement agents to enforce the Wetlands Bylaws and the Protection Act. The Commission can also acquire land for Conservation purposes.

Mr. Costello said that the Commission can issue Cease and Desist Orders. The Commission can only act as a whole; therefore, a quorum is needed to issue a Cease and Desist Order. He said that Police Officers can be used to issue the Order to the owner or person committing the violation. Mr. Costello said that site inspections are exempt from the Open Meeting Laws. Conservation Commission members have the right to go on properties without permission while performing their duties. He suggested trying to get the owners permission before going on their property. Mr. Costello added that the members have the right to call emergency meetings, as long as they post the meeting as soon as possible.

Mr. Costello told the members that they can deny applicants under the Town's Wetland Bylaws. The DEP cannot overturn a Conservation Commission decision if it violates the Town's Bylaws. He suggested also attaching letters from Natural Resource Services to our approval or denial Orders.

All members present signed the Secretary's Payroll Sheet.

Mrs. Brita made a motion to adjourn the meeting. Ms. Plasse seconded the motion. The motion was passed by Unanimous Vote.

Respectfully submitted,

Lisa A. Larue  
Secretary

