



TOWN OF NORTHBOROUGH Conservation Commission

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Approved December 12, 2016

Conservation Commission Meeting Minutes October 17, 2016

Members Present: Greg Young, Justin Dufresne, Todd Helwig, Diane Guldner, Wayne Baldelli, Maurice Tougas

Others Present: Kale Kalloch-Getman, Conservation Agent; Kathy Joubert, Town Planner; Vito Colonna, Connorstone Engineering; Nicole Dunphy, Highpoint Engineering; James Coyne, Jr., Mark Lanza, Julianne Hirsh, Lisa Ludwig, Susan Santori

Chairman Young opened the meeting at 7pm.

Mr. Tougas read the public hearing notices for:

- 195 Crawford Street, Notice of Intent, Septic System, BVW – DEP File #1122
- 70 Coolidge Circle, Notice of Intent, Septic System, BVW – DEP File #1123
- 110 Howard Street, Lots 3 & 4, Notices of Intent, Septic Systems, BVW – DEP File #1124

Mr. Young asked if anyone in the audience will be recording the meeting and Julianne Hirsch, 19 Smith Road, stated she will be recording the discussion regarding the compost facility at 0 Green Street.

Approval of Minutes

Mr. Baldelli motioned to approve the second half of the June 13, 2016 minutes, along with the minutes of July 11, 2016, August 8, 2016, and September 12, 2016. Mr. Helwig seconded the motion and the vote was unanimously in favor of the motion.

195 Crawford Street, Notice of Intent

Vito Colonna, Connorstone Engineering
Anna Seavey, Applicant
Septic System Replacement, Buffer Zone to a BVW

Mr. Colonna explained the septic system on the site is in failure and needs to be replaced. In the rear of the site is a stream channel that connects to the wetlands, but no wetland hydrology or vegetation is associated with it. They tried to balance separation from the wetlands with separation from the well, and so they are putting the new system in the same location as the existing system. The stream is intermittent and the system will be 30 feet from the edge of the wetlands. Mr. Colonna explained they will use a poly barrier and a sediment barrier during the work. He noted they will go before the Board of Health for waivers for the project.

Ms. Kalloch-Getman and the commissioners agreed it is a very tight spot, but there is nowhere else to put the new system.

Mr. Helwig motioned to grant an Order of Conditions for the replacement of an existing septic system on the property at 195 Crawford Street. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

70 Coolidge Circle, Notice of Intent

Vito Colonna, Connorstone Engineering
Casella Family Trust, Applicant
Septic System Replacement, Buffer Zone to a BVW

Mr. Colonna explained the septic system on the site needs to be replaced. There is a wetland in the rear of the site associated with Cooledge Brook, and in the front of the site there is exposed ledge and underground utilities. Mr. Colonna noted they hit ledge at 36 inches. The location of the proposed system is the only spot near the house and is 45 feet from the edge of the wetland. They will use poly barrier between the system and the foundation.

Ms. Guldner stated there is a little fish pond near the house and wondered if the homeowners plan to keep it. Mr. Colonna responded he did not know. Ms. Guldner noted grass clippings near the wetland should be removed.

Mr. Helwig motioned to grant an Order of Conditions for the replacement of an existing septic system on the property at 70 Coolidge Circle. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

110 Howard Street, Lot 3, Notice of Intent

Vito Colonna, Connorstone Engineering
John Maynard, Applicant
Septic System, Buffer Zone to a BVW

Mr. Colonna explained the site at 110 Howard Street is being divided into two ANR lots identified as Lot 3 and Lot 4. Both lots are almost 40,000 square feet and are partially in Groundwater Protection Overlay District Area 3. The project includes the installation of a septic system, and construction of a 4-bedroom house with town water service. There are wetland resources on the site and across the street.

Ms. Kalloch-Getman had question on the delineation, specifically flags. Goddard Consulting will look into that area a little more. The delineation was done in winter months and they noted there was silky dogwood, but no hydric soils. Mr. Colonna said they can re-evaluate now that there is more vegetation. There is also a question about whether or not it is land subject to flooding, and he will get additional information on that. The plan doesn't show contours, but he was able to generate more and will re-evaluate it. He noted the house and the driveway are located within 100-feet of the wetlands and the septic system is outside the buffer. The corner of the house is over the 30-foot buffer. There is a retaining wall that sticks out into the 30-foot buffer a little bit.

Mr. Young stated if they treat it as being within their jurisdiction, they can approve and condition it. Mr. Baldelli noted the 30-foot no-structure buffer includes the retaining wall. If that wetland expands, rather than contracts, they will have trouble keeping it within the 30 feet. He suggested they could just approve it with the thought that if it gets closer, they will have to file a new plan. Mr. Colonna stated he wasn't clear on what the jurisdiction if it's not isolated land subject to flooding.

Ms. Kalloch-Getman stated the commissioners discussed it at length several months ago with their review of the 0 Church Street project. The Applicant supported their evaluation of the bylaw that isolated vegetated wetlands are not protected and the commissioners stated their intention was to have them protected. There is still some confusion, especially where there is flooding.

Mr. Baldelli stated as long as Ms. Kalloch-Getman verifies the flagging is correct, he doesn't think there is a problem. There's a wetland across the street, so they probably were contiguous until they put in the street.

Ms. Kalloch-Getman stated she would like Scott Goddard to hang the flags that are missing and provide her with some soils data. She noted they mentioned that he did not find hydric soils, but he didn't provide any information about the soils in flags 5, 6 and 7. She stated they are the areas she had concerns about, particularly because the wetland delineation was not on the contour. When she walked around the site, she saw nothing that would indicate the contour would not be an appropriate guideline for the delineation and without any soils data presented to support the delineation, she felt she needed to get more information. She stated once she receives that information, she would like to do a site visit with Mr. Goddard.

Mr. Dufresne noted they recently had a filing with a driveway that rose steeply to the house and there was rain and erosion that went down the street and across the street. He asked Mr. Colonna if there could be some minor tweaks to the plan to make the water run to one side; and then to make a plunge pool at the bottom to have a place for sediment to collect before it gets to the road. Mr. Young stated it can be reflected in the plan.

Mr. Helwig motioned to continue the public hearing for 110 Howard Street, Lot 3, to the next meeting. Mr. Baldelli seconded the motion and the vote was unanimous in favor of the motion.

110 Howard Street, Lot 4, Notice of Intent, Septic System

Vito Colonna, Connorstone Engineering

John Maynard, Applicant

Septic System, Buffer Zone to a BVW

Mr. Colonna explained Lot 4 is 23,000 square feet in area and is affected by the wetland across the street. A 4-bedroom home with an on-site septic system and town water is proposed. The only part of the site in the buffer zone is the driveway entrance, grading along the front of the lot, and utilities. They have silt sacks in the catch basins in the front of the site.

Mr. Dufresne noted this driveway entrance is not as long and steep, and he doesn't have the same concerns with it.

Mr. Colonna noted part of the site is in Groundwater Protection Overlay District Area 3.

Mr. Helwig motioned to grant an Order of Conditions for a septic system at 110 Howard Street, Lot 4. Mr. Baldelli seconded the motion and the vote was unanimously in favor of the motion.

30 Forbes Road, Amended Order of Conditions, DEP File #247-1118

Nicole Dunphy, Highpoint Engineering

Aspen Aero Gels, Inc., Applicant

Changes to the Scope of Work – Buffer Zone to a Vegetated Wetland

Nicole Dunphy, Project Manager, Highpoint Engineering, explained that, at the September Conservation Commission meeting, she presented some proposed changes to their Order of Conditions issued in August 2016. During exploratory work they came across some unexpected obstacles, due to shallow ledge and an existing roof drain system making it difficult to install an underground infiltration system as was originally proposed.

Ms. Dunphy stated the runoff on the site moves into the wetland and eventually drains to Bearfoot Brook. The parking lot sheet flow is divided into 2 sections, one flowing into a catch basin, the other sheet flowing into the wetland.

Ms. Dunphy explained they are proposing to decrease the amount of impervious cover from the loading dock and proposing a 5-foot landscape strip. They will add a hood to the existing catch basin and eliminate approximately of impervious cover from the area that flows directly to the

wetland. They will maintain a break in the curb; maintain an existing flow pattern; and provide a stone weir 1-foot wide by 2 feet deep to control the runoff that is leaving the parking lot and send it across a grass filter strip. The grass will be a conservation seed mix. The water going into the existing pile that was found will be coming from the building, not the parking lot.

Ms. Kalloch-Getman wanted to clarify that, at their Saturday site visit, they were told the grass was not going to be mowed. Ms. Dunphy replied the Operation and Maintenance Report says it will be mowed annually. She noted she will review that with the contractor and the owner. Debris will be removed. Mr. Young asked Ms. Kalloch-Getman to add that to the Amended Order of Conditions.

Mr. Helwig motioned to grant an Amended Order of Conditions for 30 Forbes Road, DEP file #247-1118, Mr. Dufresne seconded the motion and the vote was unanimously in favor of the motion.

2 Cyrus Way, Request for Certificate of Compliance

Catharine Hennessey, Applicant

Ms. Kalloch-Getman confirmed the work regulated by the Order of Conditions for 2 Cyrus Way, DEP File #247-971, has been satisfactorily completed.

Mr. Helwig motioned to grant a Certificate of Compliance for 2 Cyrus Way, Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

10 Castle Road, Request for Certificate of Compliance – DEP File #247-971

James Coyne, Jr., Applicant

Ms. Kalloch-Getman confirmed the work regulated by the Order of Conditions for 10 Castle Road, DEP File #247-819, has been satisfactorily completed.

Mr. Baldelli motioned to grant a Certificate of Compliance for 10 Castle Road, Mr. Tougas seconded the motion and the vote was unanimously in favor of the motion.

0 Green Street – Continued Determination of Applicability

Mark Lanza, Representative

Julianne Hirsh, Applicant

Mr. Young stated that 0 Green was a continuation of a Request for Determination of Applicability from the September meeting and was centered around the NRCS (Natural Resources Conservation Service) plan and wanting to get a better idea of what the site actually looked like. He stated Commissioners had spoken to Mr. Ed Davidian who stated that the NRCS plan was not going to happen. Mr. Young stated Commissioners had walked the site with the Davidians and had identified some streams in back, as well as identified some rough measures including their distance from the cutting. He stated that nothing had happened since the Commission asked them to stop work prior to the September meeting and they are at least 150' away.

Mr. Young said the Commissioners present asked the Davidians to honor a 200' buffer which he understood may have been twice what it had to be. He asked Ms. Kalloch-Getman to verify. She stated that it was part of the agricultural exemption that their Riverfront area was 100' rather than 200'.

Mr. Young stated that the closest part of the cutting was the backside of the pond and he measured off to a dry stream. He stated that the running stream was 700 to 800 feet away. He stated that a ridge from the back of the area that had been cut was 150' away which meant that the work was far from any jurisdictional areas

Mr. Helwig emphasized that he was present at the site visit and the cutting really was far away from the resource areas. He stated that he did not see anything that would cause him concern, that he walked it and had to walk a long way to get to water.

Ms. Kalloch-Getman stated that the site visit was very thorough and lasted an hour and a half. She stated that those in attendance walked all the way through the property (referenced map) and that they took a close look at the areas.

Ms. Guldner asked that with the dry weather did Ms. Kalloch-Getman's evaluation hold true even if it were not a drought year.

Mr. Helwig stated that there was water running in a section of stream.

Ms. Kalloch-Getman showed the audience which stream was running by referencing the map. She stated that she found that somewhat surprising because she had met with several scientists from the USGS (United States Geological Service) to verify their designation of the 3 three streams because it was not clear on the data layer. She stated that they told her that the streams on the map were all considered to be intermittent. The first stream was dry, the one in the middle was flowing, the third was dry. She told Diane that she was correct that in a drought year a stream could not be determined to be intermittent based on a lack of water. And that when it's not a drought period, a perennial stream can be designated as intermittent by a lack of water but that method would not be pertinent for stream evaluation, in part because it is a drought and also because USGS (United States Geological Service) had confirmed that they considered three streams to be intermittent.

Mr. Young asked if anyone had questions.

Ms. Hirsh asked if he was talking about the Davidians being allowed a 100' buffer because they were agricultural. Mr. Helwig stated that that was to a perennial stream.

Ms. Kalloch-Getman stated that there was a 100' riverfront area under the agricultural exemption. Ms. Hirsh stated that in the minutes Mr. Tougas had stated he was familiar with the exemption in the ag handbook and that the second part was about forestry and that part specifically said that forest land that was not being actively farmed is not exempt. Ms. Hirsh asked if the area was exempt because it was not being actively farmed. Ms. Kalloch-Getman stated that the type of review under the RDA is limited, she stated the commission could review current activity on a property, which the commission had done and the commission could review the resources on the property and they had done that as well. She stated the review of forestry regulations under the agricultural exemptions had not been reviewed by the commission because it was not salient to what they were evaluating under the request for determination of applicability. She stated that if an NRCS plan had been submitted and the property owner wanted to do work in the area of concern or even more importantly if he wanted to pull it out of chapter 61 and just present his forestry plan to the cons commission then the commission would be looking at that detail very closely. She stated that that issue wasn't significant to the what they were reviewing.

Ms. Ludwig of 51 Smith Road asked if the Davidians understood that if the work was forestry that there was a 200' buffer. Ms. Kalloch-Getman stated that they were aware of the regulations. Ms. Ludwig stated that they were not aware of what they should and shouldn't do and that it would be good for someone on the Commission or someone in town to communicate with them.

Mr. Young stated that they had communicated that to them on the site visit and suggested that if they were to decide to do anymore work towards this site (references map) that they should get someone to delineate any wetlands and they file Notice of Intent with the commission to avoid any issues and that Mr. Davidian had said that he would. Mr. Tougas stated that he broached the idea with them and that especially in the other wet area that a tree line be blazed 150' away and that the commission tell Mr. Davidian that if he was getting close they could put a permanent mark on the trees.

Ms. Ludwig asked if she could ask a question. She stated that in the last meeting Mark Lanza had brought up the issue that land not being officially marked. Mr. Young clarified that meant delineated by a wetland scientist. Ms. Ludwig stated that marking the trees was one thing but if the intent was to go forward with the tree cutting she would thing he'd want to great it handled properly. Mr. Young stated that that was part of the commission's recommendation. Mr. Tougas expressed agreement with Mr. Young and reiterated that they would make a permanent mark, usually made with a hatchet, and that the Commission had requested that if he was going to go further Mr. Davidian would agree to having a botanist review the area.

Ms. Hirsh asked if the commission's goal was to have the limit be 100', 150' or 200'. Mr. Tougas stated that his goal was to stop them from doing anything. Mr. Dufresne stated that they could go closer than 100' to the wetland but to do that work they would need to file a Notice of Intent first and the Commission would need to approve work within 100' of the wetland. He explained that that there are buffer zones associated with the wetlands and work could be done close to them abut that the work would need to be formally approved by the commission. Ms. Hirsh asked if he was saying go ahead, do it until you hit the mark?

Susan Santori, 465 Green Street, stated that she had a question about process. She said it sounded like the Commissioners had a productive conversation with the Davidians and that a productive conversation with the neighbors was desired. she asked that the commission would do for written follow-up. She stated that it seemed that there would be no written material for her group to go back to.

Mr. Helwig asked who had filed for the permit. He stated that he thought that the commission would either have a note shortly and that it was either going to site that there was an area subject to the commission's jurisdiction or that there was not. He stated that he was betting that the answer was going to be that it was not subject to the commission's jurisdiction. Mr. Helwig stated that because the Davidians didn't apply for anything he didn't see that there was going to be anymore communication with them other than the conversation's strong indication that they that they allowed commissioners out to review the property for an hour and a half. he stated that they had made certain commitments that they weren't going to do work beyond a certain line of demarcation without hearing from the commission again.

Ms. Hirsh stated that she was going to have to ask if there was an intention to vote on the RDA during the meeting and asked that the commission not take a formal vote because she did not know that the RDA was on the agenda and that she and the other individuals present for the RDA were unprepared and would have preferred the Mr. Lanza be present. Mr. Tougas stated that that was her option, that the commission couldn't continue without her permission and that if she wanted to continue they wouldn't say no.

Ms. Hirsh asked if the RDA was going to be voted on at the next meeting. Mr. Helwig confirmed that it would. Ms. Hirsh asked if Mrs. Guldner had asked that the Davidians write a letter explaining their intent and if the commission had received it. Ms. Guldner stated that it would have been sent to Ms. Kalloch-Getman. Mr. Helwig stated that he couldn't ask the Davidians to do anything and that she was the one requesting the determination. He stated that the commission was acting on what she had asked the commission to do. He stated that the

commission did not think the Davidians had done anything that would require the Commission to take action.

Ms. Guldner stated that she thought it would be helpful if the Davidians had written down what they intended to do.

Ms. Kalloch-Getman confirmed that she had asked them to send a description of their intentions in writing.

Mr. Helwig stated that if the Commission did not have jurisdiction it couldn't ask the Davidians to do anything. He stated that if the Commission had jurisdiction that they could request information from the Davidians.

Ms. Hirsh stated that there was a discussion of some comments the Davidians had made that they were going to clear cut 40 acres and that we didn't know the extent of their plans.

Mr. Helwig stated that the Commission had no mechanism to require the Davidians to inform the Commission of their plans.

Mr. Young asked that Ms. Kalloch-Getman could send them an email asking for their plans. Ms. Kalloch-Getman stated that she had followed up on Ms. Guldner's request for a plan and that Mr. Davidian had replied that he had no current plan and would send her an email stating that if he had time.

Mr. Young stated that the Commission could vote or continue. Mr. Baldelli asked Ms. Hirsh when she would like to continue the meeting to.

Mr. Young said that they would continue to the October meeting and if she was not ready the Commission would continue it again.

Mr. Helwig stated that to be fair to the landowner the RDA could not be continued forever. Mr. Helwig made a motion to continue. Ms. Guldner 2nded. The motion carried unanimously.

Mr. Young stated that Mr. Davidian want to stump the area already cut by the farm pond and that he wanted to do selective cutting far from the resource area. Mr. Tougas stated that Mr. Davidian was not prohibited from doing anything that doesn't require a permit. Ms. Hirsh asked if he wanted to thin trees. Mr. Young confirmed that he did.

432 Whitney Street

Mr. Greg Young asked Ms. Kalloch-Getman what was going on with 432 Whitney Street.

Ms. Kalloch-Getman stated she gave the report from the Department of Environmental Protection to the commissioners. Mr. Young stated DEP decided that what the Northborough Conservation Commission ruled was correct; that they do have jurisdiction over activity at 432 Whitney Street.

Kathy Joubert, Town Planner, stated she and Ms. Kalloch-Getman have not spoken about this and she doesn't have any follow-up information. However, she contacted the Town Administrator at the end of last week and today notified him that DEP had supported the decision. She then asked him for an update on the probation hearing that happened a couple of weeks ago. Ms. Joubert explained she and Mr. Young had gone to the site visit with the DEP. The probation hearing had been the day before and allegedly what was going to come out was it was composting; that is wasn't feed. She stated she doesn't have that update, but is assuming that it will come in the next couple of days. Either she or Ms. Kalloch-Getman will send the information to the commissioners and then she will contact Town Council.

Ms. Joubert stated Mr. Anza was given the direction from DEP that he should file a Notice of Intent, so the question is whether the commissioners want to issue a cease and desist order for the activities that are happening there now. Mr. Young stated his first thought is that they should, given the history.

Mr. Helwig confirmed that Mr. Anza can appeal DEP's decision. Mr. Young said he can and asked if Mr. Anza appealed this ruling. Ms. Kalloch-Getman stated he would have to appeal to Superior Court and, as far as she knows, he has not.

Mr. Baldelli inquired as to what they would asked to be stopped. Mr. Young stated it would be no more hauling in of materials into areas within their jurisdiction. Mr. Baldelli noted there are a lot of areas that are not within their jurisdiction.

Ms. Joubert stated someday last week someone from Forbes Road called Fred Litchfield, Town Engineer, as an FYI to say they had seen some trucks there and when the person was leaving the site the person who called asked him what he had just dropped off and was told it was yard waste. Mr. Litchfield then told the Town Administrator. So Mr. Anza is still bringing stuff in.

Ms. Kalloch-Getman stated the Commission never did give him permission to do anything on the property, anything in the wetland, anything in the buffer zone, that includes animals in the wetland. Mr. Young stated they gave him permission to trample down the existing cart path. Ms. Kalloch-Getman stated she is aware of that, and she was talking about the activity that's going on right now. The Commission gave him informal permission to do the activity he had presented, but she is talking about is the fill work, possibly cut work, and the animals in the buffer zone and wetland.

Mr. Dufresne confirmed they did not issue a positive determination and Mr. Anza filed an RDA just to move the road and do different things. Ms. Kalloch-Getman confirmed that is correct.

Ms. Joubert stated that, if and when he does go to Superior Court, they will notify the Town Clerk's office, and right now, the town has not received anything.

Mr. Young stated the order was issued on the 11th of October and they have 10 days from the date of the Order of Conditions to file an appeal.

Ms. Kalloch-Getman stated she doesn't know if they have that same kind of deadline or any deadline at all regarding the DEP's superseding Order.

Mr. Dufresne asked how this works. If they are just talking about this project, and if DEP weighs in on it, then it's in DEP's hands if they issue a superseding order. Ms. Kalloch-Getman stated DEP can send it back. Mr. Young stated he thinks it says that they just push it back; they upheld the Commissions jurisdiction. Ms. Kalloch-Getman stated they're not really going to take jurisdiction, for example, it's an Order of Conditions that they disagreed with. In which case, they will take over the project.

Mr. Helwig stated it says that DEP said that he needs to file a Notice of Intent. He questioned if the commission would give him some time to do that. Mr. Baldelli stated that, if he's dumping yard waste in the uplands not in the buffer zone, that he essentially can do that. Mr. Young stated the majority of what he's brought in is within 100 feet of the wetland boundaries.

Ms. Kalloch-Getman noted he wouldn't allow them to review the wetland delineation. Mr. Young stated it's not within 30 feet. Mr. Baldelli stated the 30 feet has nothing to do with it because there's. If he's taking new material within 100' then they have jurisdiction. But if it's going on into the upland, it's like what went on up at Davidian's.

Mr. Helwig stated with what's gone on, if he doesn't file a Notice of Intent within some very short period of time, the commission will issue a Cease and Desist. He suggested they issue a Cease and Desist to be ahead of the curve and not react to what's been happening. Let them tell the commission it's not happening in the buffer. Ms. Kalloch-Getman stated an enforcement order has more weight than a Cease and Desist letter, and would be sent to the DEP. Mr. Helwig stated that, presumably, DEP is telling him to file an NOI because he is doing work in the buffer zone. If he's doing work in the buffer zone then the commission members should do what they ordinarily do in that situation. Ms. Kalloch-Getman stated the commission would generally issue an Enforcement Order, but it depends on the circumstances. But if somebody already is doing, or has done, a violation and is continuing to do work that is in violation, the commission would go right to the Enforcement Order to get it moving. Otherwise, it's playing around with letters and emails for a while.

Mr. Baldelli stated the gist of his RDA was that he was going to bring in 5 feet of fill to build his new road. He was claiming that he had an agricultural exemption, but he didn't get the permission for that.

Mr. Dufresne agreed, stating that was his RDA. The commission said no and it was a positive determination because he is working in the buffer zone.

Mr. Tougas stated he said in the appeal that he didn't have to file a Notice of Intent. He said he was exempt because it's agriculture and DEP was saying no, it's not exempt and yes, the work is in the buffer zone and yes, you have to file a Notice of Intent. Therefore, if he is doing anything that he's asking to be able to do using the agricultural exemption, he shouldn't be doing that.

Mr. Dufresne said he thinks he's bringing stuff into the uplands and not building that road or anything, and that would be fine. Mr. Young stated he's going to bring in material for the road he's going to build within the buffer that's not approved. A new road is how he's getting into the uplands.

Ms. Kalloch-Getman stated that's one component. That's what his plan is, that's what he's hoping to do, but the commission can't issue a Cease and Desist on work that he isn't doing yet. However, there were things that they saw on the site visit that are, in her mind, violations on the property, and one of the violations that she saw was material being placed within the 100' buffer zone. But it was difficult to determine exactly how far it was from the wetland delineation because he would not allow them access down to view the delineation line. The other violation that is going on right now is he has animals in the wetland and he has animals in the wetland buffer. That's why he wouldn't let the commission see the wetland delineation; because the animals were there. He never got (permission).

Mr. Tougas asked if the wetland delineation is in the woods and if it is flagged. Mr. Young responded it is in the woods and it was flagged, but most of the flags are gone. He should re-flag that as part of the Notice of Intent.

A discussion was held regarding the issuance of an Enforcement Order on violations that may be occurring now. There was a question regarding getting Town Council involved and Ms. Joubert said they could because Town Council has been involved. She will call them tomorrow. The Enforcement Order will be based on what's going on. The members agreed they want to move forward.

Mr. Helwig suggested sending him a warning to file and if he doesn't file before a certain date and he's still doing the work, they will issue an Enforcement Order. Ms. Joubert noted DEP told him he needed to file but did not tell him it would be within a certain number of days. Mr. Helwig responded that's why the commission needs to tell him to file within a certain amount of time, if

he still intends to do work or the work he's doing. Ms. Kalloch-Getman suggested she could write the Enforcement Order for something to the effect of activity that is occurring on his property and keep it vague; or she could call out some specific things of concern. Mr. Young stated it should be no activity, period. From this point onward no trucks, no emaciated cattle, nothing.

Ms. Kalloch-Getman stated the process is to send a Cease and Desist letter first, telling him he needs to file an NOI by a certain time. If that is not done, they would then issue an Enforcement Order, with a copy going to DEP. From the date of the Cease and Desist letter, there should be no activity and he cannot do any work without an Order of Conditions.

Mr. Tougas asked if anyone has observed illegal activities going on at the site. Ms. Joubert stated the Town has received pictures from all the abutters of the dumping. Mr. Dufresne stated he has dumped in the resource area. so they know he has dumped. Ms. Kalloch-Getman stated there is material that they do know has been placed and it can be reasonably assumed that it has not been removed. They did see animals in the buffer zone and they can reasonably assume that they are still there, as well.

It was agreed Ms. Joubert will ask Town Council to draft a letter to Mr. Anza as soon as possible. First, a Cease and Desist letter will be sent to him, informing him he needs to file a Notice of Intent within a certain time frame and that there shall be no activities on the site until an Order of Conditions has been issued. The letter will be drafted by Town Council and will be sent to Mr. Anza once the commission make any edits.

1 Lyman Street Update

Ms. Kalloch-Getman reported the Applicant requested a Superceding Abbreviated Order of Resource Delineation from DEP and there was a site visit on September 28th. The findings have not been reported yet.

508 Green Street Pool

Ms. Kalloch-Getman stated the Applicant received an amended order of conditions and she has approved the erosion controls. She noted the Applicant has been working on it for a couple of months.

518 Green Street

Ms. Kalloch-Getman stated the Applicant was going to submit a Request for a Certificate of Compliance (RCOC). He was informed he needed to replace the wetland flags and erosion control barriers, and was alerted to the fact it was quite possible that work he had done was outside of what was approved under the Order of Conditions. In addition, he needs to get it surveyed and submit the RCOC, but he has not. She has not heard from him and suggested she could follow-up with a letter requiring him to respond. There is no imminent threat to the resource area.

Mr. Young stated he may have done work inside the 30-foot no-structure zone. Ms. Kalloch-Getman stated it looks like he extended the work into the 15-foot no disturb zone.

Mr. Young suggested they keep this on their action list and asked Ms. Kalloch-Getman to either call the Applicant or send him a status letter.

200 Bartlett Street Landscaper

Ms. Kalloch-Getman stated she contacted the Building Inspector, Joe Atchue, because he was the "buck stops here" person. He was going to follow-up on the lack of permits, but she has not heard from him.

Ms. Joubert stated Mr. Litchfield got another call from the man who has his garage there and he reported the people associated with the landscaping business were digging and burying in the middle of the night. Mr. Litchfield called Mr. Atchue and Mr. Atchue was going to go back and look at the site.

SVT Deer Management

Ms. Joubert explained the Sudbury Valley Trustees Board of Directors voted to allow bow hunting this season and there will be a limited number of licenses.

Lincoln Street School

Ms. Kalloch-Getman stated she went over to the site after the last rain event and she was pleased to see that the basin that was not draining was dry. The other 2 basins were holding a lot of water.

MACC Meeting

Ms. Kalloch-Getman informed the members that the MACC Conference on Forest Management is coming up.

Community Preservation Committee Meeting

Ms. Kalloch-Getman noted a Community Preservation Meeting will be held on November 3rd. Mr. Young noted Mr. Helwig will be representing the commission.

Howard Brook Water Samples

Ms. Kalloch-Getman stated there is a lab report on streams water samples at Howard Brook. She will see if she can get tannins sampled. The chemistry looked good. Some coliform and E-coli was detected upstream and downstream. Mr. Baldelli noted that is normal. Mr. Young asked if the tannins are something that should be pursued.

Request for Platform Bartlett Pond

A senior center group asked if a platform to the left of the boat ramp could be built out at Bartlett Pond and the cost taken out of the Community Preservation Fund. Mr. Helwig stated if they could do trails signs, he thinks it's a great idea. Mr. Tougas asked if the Davidians want to put in a trail and Mr. Helwig stated it sounds like they want to put in a marked trail. Ms. Joubert stated Ed Davidian asked that "private property" signs be put up and she told him he could put them up.

Mr. Tougas motioned to adjourn the meeting, Mr. Helwig seconded the motion and the vote was unanimously in favor of the motion.

The meeting adjourned at 11:20pm.

Respectfully submitted,

Kale Kalloch-Getman, Conservation Agent
Debbie Grampietro, Administrative Assistant