

*Damon Tinio, Chairman
Peter Coffin, Vice Chairman*



*Michael Ammendolia
William Aten
Timothy Aicardi*

TOWN OF MENDON

Conservation Commission
Mendon Town Hall
Mendon, Massachusetts 01756

Meeting Minutes of August 27, 2015

Attending: Chairman D. Tinio, Vice-Chairman Peter Coffin, William Aten, Timothy Aicardi

Chairman D. Tinio called the meeting to order at 7:35 PM.

The Commission reviewed the meeting minutes of August 13, 2015. Vice-Chairman P. Coffin requested the addition of the following to the discussion about 6 Nipmuc Drive: that he asked for a revised wetland delineation before a proposed mitigation plan, that the discussion went back and forth between his suggestion to determine where the wetlands were once found and the Commission's suggestion not to do this as it would require a backhoe and would create a mess, and that Vice-Chairman P. Coffin was opposed to repealing the enforcement order. **Vice-Chairman P. Coffin made a motion, seconded by W. Aten to accept the meeting minutes of August 13, 2015 as revised. The motion carried unanimously.**

The Commission reviewed BOS Routing Slips for 35 Milford Street for an entertainment license and for 35 Milford Street for special events in September and October. The Commission had no issues with the routing slips.

The Commission reviewed a Jurisdictional Project Determination for 5 Bicknell Drive for a 14x18 addition and 14x16 deck. The project was determined to have no impact on wetlands. **All Commissioners agreed with this determination.**

The Conservation Commission Clerk announced that the Baseline Survey for the Conservation Restriction on the Pearson property has been submitted to the office and that it will be forwarded to the Commissioners for review.

T. Aicardi arrived.

Chairman D. Tinio opened the Notice of Intent hearing continuation for 31 Hartford Ave W for a single family home at 7:45 PM. Vice-Chairman P. Coffin abstained from this hearing. William Haling of Land Planning, Inc. discussed the project with the Commission. He said that hay bales had been added to the proposed plans, along with a sump, comments from the Board of Health had been addressed and they were awaiting Board of Health's approval, and that the abutters' septic systems had been located. Paul Goguen, an abutter, asked if a site walk was going to happen because that was the reason for the hearing being continued to the present meeting but the Commissioners did not schedule one. He also voiced his concerns over the frogs and salamanders that migrate through the property. The Commission scheduled a site walk for Wednesday, September 2, 2015 at 3 PM. **T. Aicardi made a motion, seconded by W. Aten, to continue the Notice of Intent hearing for 31 Hartford Ave W until the September 10, 2015 Conservation Commission meeting. The motion carried unanimously. Vice-Chairman P. Coffin abstained.**

Chairman D. Tinio opened the Notice of Intent hearing for 37 Kinsley Lane for the abandonment of a septic system and installation of a replacement tight tank at 8:00 PM. Fred Lapham of Shea Engineering discussed the project with the Commission. The existing septic system failed Title V and a tight tank is proposed as the replacement solution because of the presence of ledge. Erosion control is proposed, along with an interlocking block wall to retain the soil around the tank. One tree will need to be removed. Kathy Victor, an abutter, had concerns about whose property the tree was on. Fred Lapham confirmed that it is on the applicant's property. Fred Lapham explained that he anticipates a written agreement between the applicant and Kathy Victor for access to the site through her property. The Commission requested that the erosion control be extended thirty feet onto Kathy Victor's property, with her approval. She accepted. The Commission also set a special condition that the site be returned to its pre-construction state when the project is finished. **Vice-Chairman P. Coffin made a motion, seconded by W. Aten, to approve the Notice of Intent for 37 Kinsley Lane with the two previously mentioned conditions. The motion carried unanimously.**

The Commission discussed the work at 6 Nipmuc Drive with Bob Poxon of Guerriere & Halnon and Scott Goddard, PWS. B. Poxon explained that he received correspondence from DEP saying that the entire lot is not considered to be a redevelopment project because the entire lot was not previously developed. Thus, stormwater standards must now be met. They are proposing a forebay and a vegetated wetland to meet the standards. Trees will need to be cut for these structures but the work will remain outside of the 25 foot no disturb zone. S. Goddard explained that he dug test pits and found 3-18 inches of mulch in the area of concern. He said that beneath the mulch, the hydric top soil that would have been there previously had been striped, leaving the sandy subsoil behind as an indicator of wetland conditions. His best estimate was that 2500 square feet of wetland had been altered. Vice-Chairman P. Coffin mentioned that he saw rip rap beneath the mulch as well. S. Goddard confirmed the presence of rip rap at the toe of the slope because it was overexcavated. S. Goddard said that the area is now lacking an organic top layer of soil but that some wetland vegetation is approaching the area. He recommended accepting the additional proposed work to meet stormwater regulations as compensation and monitoring the mulched area for two years to see if it rebounds as a wetland. The alternative solution would be to bring in machinery to take the mulch out and bring dirt in. Vice-Chairman P. Coffin mentioned that S. Goddard was not present the day that they planned to meet on site. He also said that the wetland area needed to be defined before proposing remediation. He also asked for test hole data for any holes that were dug on site. He also mentioned that silt is currently being deposited in the area from rain storms. B. Poxon stated that during heavy rain, the silt would be captured by the proposed stormwater structures. Jane Lowell of 40 Millville Street explained that silt running off site was an issue at the applicant's car dealership in the past. Chairman D. Tinio said that this was cleaned several times. T. Aicardi said that he monitored that issue personally on a weekly basis and determined that the silt was actually coming from the nearby Dunkin Donuts. Vice-Chairman P. Coffin remembered the Commission hiring Brandon Phaneuf, who said a settling basin was needed. T. Aicardi explained that sometimes safeguards that are put in place are breached. Vice-Chairman P. Coffin said that a proposed settling basin could have been used during construction to remedy Jane Lowell's concerns. He also mentioned that an excavator was seen on the beach and a majority of the work had been completed before an Order of Conditions was issued. He also mentioned an access ramp that was built down to the lake without the Commission's approval. He said that a buffer needed to be kept along the water's edge in order to maintain water quality in the lake. B. Poxon mentioned that this access ramp was made out of gravel, so some of the runoff would be absorbed through it. Heated conversation occurred between Chairman D. Tinio and Vice-Chairman P. Coffin. T. Aicardi asked for S. Goddard's professional opinion about the extent of the previous wetlands that had been altered. S. Goddard mentioned that aerial photos did not seem to show wetlands much farther into the lot than what was shown in their delineation. He showed the Commission that the wetland occurred at a topography line of 396 and that the toe of the slope was at 400. Therefore, the wetland could not have occurred much farther and the estimate that was provided for what area was affected could be high. Vice-Chairman P. Coffin asked for an amended Notice of Intent to re-open the hearing process. He mentioned that the revised Notice of Intent and supporting documents may need to be reviewed by an engineer. B. Poxon asked for a waiver from the 25 foot no disturb zone. Chairman D. Tinio suggested a berm at the end of the access ramp. Vice-Chairman P. Coffin noted that he lacked support from the Commission to require digging further to determine the extent of wetlands affected. **W. Aten made a motion, seconded by T. Aicardi, to accept the wetland delineation and the Goddard Consulting report recommending regrowth in the affected area. Chairman D. Tinio was in agreement. Vice-Chairman P. Coffin was opposed.**

Chairman D. Tinio left the meeting. T. Aicardi became acting Chairman.

The Commission reviewed a Site Plan/Special Permit Public Hearing Memo from the Planning Board for 148 North Ave for solar panels over existing parking areas. The Commission approved the project at their May 7, 2015 meeting with the condition that silt sock and silt fencing be installed along the edge of the site near the wetland during construction.

The Commission reviewed three Requests for Certificates of Compliance for Lot 4 / 16 Butler Road with Fred Lapham of Shea Engineering. The lot was part of Blueberry Estates and fell under the original Order of Conditions for the subdivision. When this Order expired, a new filing occurred, which included this lot. Later, a third filing for a common driveway included this lot. The lot was never developed. **T. Aicardi made a motion, seconded by W. Aten, to approve three Certificates of Compliance for Lot 4 / 16 Butler Road for the three DEP filings associated with the parcel. The motion carried unanimously.**

T. Aicardi made and W. Aten seconded a motion to adjourn the meeting at 9:40 PM. The motion carried unanimously.

Respectfully submitted,

Leah Cameron, Administrative Clerk

Documents Discussed located in the Conservation Commission Office:

BOS Routing Slip for 35 Milford Street

August 13, 2015 Meeting Minutes

JPD for 5 Bicknell Drive

Baseline Survey for the Conservation Restriction on Pearson property

Notice of Intent for 31 Hartford Ave W

Notice of Intent & Order of Conditions for 37 Kinsley Lane

Goddard Consulting LLC Wetland Impact Report for 6 Nipmuc Drive dated 08/26/2015

Goddard Consulting LLC Restoration & Planting Plan for 6 Nipmuc Drive dated 08/26/2015

Site Plan/Special Permit Public Hearing Memo from Planning Board for 148 North Ave

Requests for Certificates of Compliance & Certificates of Compliance for Lot 4 / 16 Butler Road