

*Damon Tinio, Chairman
Peter Coffin, Vice Chairman*



*Timothy Aicardi
Michael Ammendolia
William Aten*

TOWN OF MENDON

Conservation Commission
Mendon Town Hall
20 Main Street
Mendon, Massachusetts 01756

Meeting Minutes of October 23, 2008

Attending: D. Tinio, P. Coffin, T. Aicardi, M. Ammendolia, W. Aten; Laurie & Robert Sweet, 50 Milford Street; P. Ghelli, 42 Milford Street; T. Willoughby, 7 Leonard Road; and L. Tinio.

Meeting was called to order at 7:38 p.m. when a quorum was reached.

Members reviewed Requests for Determination of Applicability (RDA). D. Tinio performed site visit to 39 Milford Street. The End Zone needs a sprinkler system and above-ground tank because of the high water table. It will be on a footing facing the drive in. Damon directed the owner to install hay bales and silt fence abutting the curbing. D. Tinio determined there is no wetland impact. Members signed the negative determination.

D. Tinio also performed site visit at 59 Northbridge Road. The owner requested to construct an 8-foot wide front porch using sono tubes. It will be approximately 200 to 300 feet from the pond. Members signed the negative determination.

D. Tinio performed site visit at 6 Willowbrook Lane. The owner would like to install a 20'X38' inground pool in the back of the house. The wetlands are more than 300 feet away. Members signed the negative determination of applicability.

D. Tinio met with the owner at his property on 7 Hastings Street. M. Jones would like to build a shed in the back. The wetland is not near that area. He is also not digging. Members signed the negative determination.

7:45 p.m. M. Ammendolia joined the meeting. The hearing for 33 Asylum Street was postponed by the applicant. There was not enough site distance for the subdivision.

A member asked Mr. Sweet if his tape recorder was on. R. Sweet replied that it was. The member informed Mr. Sweet that meetings can be recorded but person recording must notify the board of his/her intention to do so.

Members discussed work being done on 5 Morrison Drive. The wetland is not on the property but further behind. There is a detention basin to prevent water going into the road. Only trees are being cut down. *Action: D. Tinio directed D. Willoughby to call owner to have him put up silt fence and hay bales. D. Willoughby is also to inform him to call before any construction is done with a machine. Owner will need to come before the Con. Com.*

7:52 p.m. T. Aicardi called J. Gensel (DEP) to inform her the Con. Com. reviewed the engineering plan for the 50 Milford Street restoration. She will speak with P. Nadeau to do a site visit before the enforcement order is released. *Action: T. Aicardi to call J. Gensel on Monday to get status.* There was an old Order of Conditions for the business. A Certificate of Compliance was issued. The Sweets must make sure it has been recorded with the Registry of Deeds. When the Certificate of Compliance is issued for the construction of the house, it must also be recorded at the Registry of Deeds.

L. Sweet asked about minutes of the August 28 Conservation Commission meeting. She read the paragraph aloud regarding 50 Milford Street through to the reference of the dam. M. Ammendolia pointed out that the minutes reflect

only what was said during the meeting. It does not include conversation outside of the meeting.

P. Ghelli informed members that she took a walk behind the dam. She questioned excavation done behind the dam. R. Sweet explained that there was a trench and removing dam in the future was discussed at previous meeting. P. Ghelli asked if the Old Post Road path would be returned to the way it was. P. Coffin said that R. Sweet did not ask if that work could be done. R. Sweet said the dam is free flowing. T. Aicardi reiterated that nothing else should have been done. D. Tinio explained that this work would require a filing through the DEP. P. Ghelli asked if the cranberry bog goes behind the dam. R. Sweet answered that it does not. P. Coffin said that he should not have been doing work back there. D. Tinio voiced his desire to have the Sweets go through P. Nadeau/DEP for any additional work on his property. M. Ammendolia said he doesn't want to give up and go through the DEP. T. Aicardi said the Commission has asked the owners to do work a certain way and what the Conservation Commission says does not matter to them. P. Coffin suggested asking the DEP to come out and determine how to correct the problem. The Conservation Commission will meet with the DEP and the owner and start anew.

R. Sweet noted that they started in 2002. M. Ammendolia read the letter from R. Sweet dated November 8, 2002. He then read the Con. Com. minutes from November 7, 2002 regarding 50 Milford Street. P. Coffin noted that the letter from the Con. Com. said 'acceptable agricultural practices' were to be used not that the work could be done any way he wanted. The Sweets said they got an agricultural plan and the Army Corps of Engineers approved the project. L. Tinio said the Army Corps of Engineers typically leaves authorization of small projects to individual towns.

L. Tinio explained that the Sweets had comments at the Selectmen's meeting about violations on various properties in town. T. Aicardi directed R. Sweet to fill out a Request for Determination of Applicability for any property he wants checked on for violations. Tim explained that the silt that was near the Imperial Dealership had come from the Dunkin Donuts site from their septic repair. He said that the owner has deep sumps so no solids go into the street. R. Sweet asked if there was filter fabric. Tim said that one drain was covered with stone and the other was clean. Another property R. Sweet had questioned was 21 Millville Road. D. Tinio performed a site visit and work was not being done near the buffer zone. R. Sweet said he received the meeting minutes from last year. There is no silt fence even though the minutes said the owner did install them. D. Tinio pointed out that the wetlands are in the back of the property and can't be seen without going on the property. R. Sweet said he did not go on the property. R. Sweet questioned whether 49 Hartford Avenue East had a permit. A member explained that there is an isolated wetland on the property and there is an Order of Conditions issued. L. Tinio asked how many of the 14 properties questioned were permitted. D. Tinio responded that only 49 Milford Street has not been yet. The Con. Com. did receive a complaint from a concerned citizen. He performed a site visit the next day. The owner said he was doing deep holes with an engineer and had permits. A pipe was put in for drainage. R. Sweet said there are wetlands there. L. Tinio said that if there is an Order of Conditions on a piece of property then the owner is all set. Lawney said he is attending this meeting as a selectman to respond to a complaint. He determined that it is a Conservation Commission issue. *Action: D. Willoughby to send a letter to the selectmen.*

R. Sweet said he's had questions regarding 49 Milford Street since December 2007. D. Tinio explained that there is no wetland where the digging is being done. T. Aicardi further explained that the applicant will have to come before the Conservation Commission with an engineered plan and may need to dig for hydric soils. D. Tinio said they will look at a current plan of the property as well as any original plans we may find. M. Ammendolia reiterated that anyone can make an official complaint using a Request for Determination of Applicability. When the owner comes before the board, they can question activity on the site.

Members discussed Certificate of Compliance for 32 Maple Street. D. Tinio to perform site visit. Members signed the COC but directed D. Willoughby to not release until site visit shows work is complete.

D. Tinio reported that he spoke with R. Duff who was following up on Board of Health issues at 8 Uxbridge Road. Damon asked Bob to look over the site to ensure work was complete so Conservation Commission could issue COC. It looked fine according to Mr. Duff. R. Poxon delivered as-built engineering plan to Con. Com. Office. The engineer thought owner had Certificate of Compliance already and vice versa. T. Aicardi to perform site visit. Members signed COC but D. Willoughby directed to only release after T. Aicardi confirms work completed according to plan. R. Sweet asked if Stormwater management issues were addressed at 20 Uxbridge Road. D. Tinio replied that the owner is responsible for state permits with MEPA, EPA, curb cuts, etc. A NOI is not needed. Members signed the negative Determination of Applicability for 20 Uxbridge Road. There are no wetlands on the property.

M. Ammendolia made and T. Aicardi seconded the motion to accept the meeting minutes of October 9, 2008 as amended to correct page 2, para. 2 from '30-foot' to '30-inch'. The motion carried unanimously.

Members reviewed the updated site plan and special permit for 1 Hastings Street, Medway Co-operative Bank. There are no wetlands on the property.

D. Tinio signed a letter to Mr. Ahmed/Cobbler's Knoll, LLC informing him that the Orders of Condition for his properties in Cobbler's Knoll expired on October 20, 2008. No further work can continue.

Members agreed on the following future meeting dates: Thursdays, December 4, January 8 & 22.

Members reviewed the BOS License Routing Slip for Brian's Tire & Brake for a Class II license on 28 Hastings Street. D. Tinio signed off.

P. Coffin read a letter aloud from S. Smith to D. Tinio regarding the October 9 hearing for the Imperial Determination of Applicability. P. Coffin explained that the question about the curb cut is with the State if they need a permit. D. Tinio agreed that it is not a Conservation Commission issue. *Action: M. Ammendolia directed D. Willoughby to send S. Smith a letter saying the Con. Com. appreciates her concern about the site and they have taken steps to analyze the situation.*

D. Willoughby asked members if anyone was interested in attending the free Stormwater workshop being held on November 10 in Devens, MA. M. Ammendolia told Diane that any class that discusses Conservation Commission issues which she wants to attend, she can. R. Sweet asked if it wouldn't be in the Con. Com.'s best interest for a member to attend. M. Ammendolia replied that it is a volunteer board and that we have a paid employee who can attend.

A motion was made to adjourn at 9:30 p.m.

Respectfully submitted,

Diane Willoughby
Administrative Clerk