

**CONSERVATION COMMISSION
AGENDA
SEPTEMBER 19, 2007**

7:15 70 Newtown Road – Kelley's

(020, 021) 7:30 Request for Determination - 13 Broadview Street - Dave Pallian
R. Wilson & Associates - proposed 365 s.f. addition to existing single family home.

7:45 Continuation – NOI - Water District

Certificates of Compliance

(040)
(041) - Tupelo Way (roadway) – Bentley Building Corp. 85-536
- Lot 2A Renwick 85-963 – Colonial Path LLC 85-963
(new OOC issued 85-979)

Business – 60 Great Road – ABC Cesspool – D. Dolan

MINUTES

September 5 forthcoming

CONSERVATION COMMISSION
MINUTES
SEPTEMBER 19, 2007

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Frances Portante, Bill Froberg, Linda Serafini, Patty Lee

ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Tom Tidman, Terry Maitland

VISITORS: Russ Wilson, Scott Hayes

7:21 Mr. Maitland called the meeting to order.

7:22 70 Newtown Road – Steven & Rachel Kelley

Scott Hayes from Foresite Engineering reported to the Commission that the existing infiltration trench is functioning. There is no evidence of silt or erosion down the slope. The owners are willing to file an after-the-fact Notice of Intent (NOI) if the Commission wishes. Mr. Hayes stated that he feels that the paved driveway is probably better than the required gravel. The owner stated that snow plowing was a problem and the gravel didn't hold up well.

Mr. Maitland stated that there are a number issues with this site's situation: the legal matter that the prohibition on paving the driveway was not conveyed to the Kelleys deed at the time of their purchase and that the conditions in perpetuity have been violated. The Commission could issue an Enforcement Order to have the driveway pavement removed.

Ms. Adachi noted that the Kelley's are still bound by the restriction even though it was omitted from their deed ,and that the paving of the driveway is not their first violation. Ms. Adachi would like to review the file to better understand why the Commission at the time imposed the restrictions that exist on this property.

Mr. Hayes stated that the paved surface has an infiltration trench. The Kelleys may be subject to punitive action; an NOI should be filed and if it is approved, great, if not then the Commission can require that the pavement be removed.

The Commission will conduct a site walk for Tuesday, September 25 at 8 AM.

Certificate of Compliance - Lot 2A Renwick Way - 85-963 – Colonial Path LLC 85-963 (041)

Ms. Adachi moved that the Commission issue a Certificate for work not completed on Lot 2A Renwick Way, DEP File 85-963, since a new OOC has been issued, DEP File No. 85-979. Ms. Serafini 2nd; unanimous.

7:49 Continuation – NOI - 941 - 960 Main Street - Water Supply District

Upon request by the Applicant, Mr. Maitland continued the hearing until October 3, 2007 at 7:25 PM pending a response from Natural Heritage & Endangered Species Program

7:50 Request for Determination - 13 Broadview Street - Dave Pallian (020, 021)

R. Wilson & Associates - proposed 365 s.f. addition to existing single family home; approximately 122 s.f. of the proposed addition is 90' from the edge of wetlands. The existing house is 77' from the edge of wetlands. The Board of Health required that the septic tank be upgraded; therefore the existing 1,000 gallon septic tank will be replaced with a 1,500 gallon tank 75' from the edge of wetlands. Haybales or silt fence will be provided for siltation prevention. The existing screened porch, deck and stairs are to be removed and are more than 100' from the edge of wetlands.

7:54 Mr. Maitland closed the meeting

Determination - 13 Broadview Street

Ms. Adachi moved that the Commission find the work as proposed to be within its jurisdiction but will not impact the resource area (negative three determination) under both the Act and Bylaw. Ms. Serafini 2nd; unanimous.

Certificate of Compliance - Tupelo Way (roadway) – Bentley Building Corp. 85-536 (040)

Ms. Portante moved that the Commission issue a certificate for Tupelo Way, as recommended by Mr. Tidman. Ms. Lee 2nd; unanimous.

7:55 Business - 60 Great Road – ABC Cesspool – Dick Dolan

Mr. Dolan presented a plan for the proposed replacement of an existing septic system. He reported that the current owner of the property is requesting that the Commission allow that a septic system be replaced at the noted site and file the paperwork after the fact.

Upon query by the Commission, Mr. Dolan stated that the system is not in failure at this time but needs to be upgraded.

Discussion.

Mr. Maitland stated that the Commission does not have the means to allow the work to occur prior to formally filing the proper paperwork and going through the public meeting process. The Commission suggested that it would be comfortable with the owner/applicant filing a Request for Determination for the proposed upgrade. If needed, the Commission would be willing to provide a letter stating that the Commission sees no impediments from a wetlands perspective and approval could be issued at the next meeting, October 3, assuming its receipt of a proper filing.

8:10 Meeting adjourned.



Terry Maitland,
Chair