

MINUTES OF MEETING AND HEARING
CONSERVATION COMMISSION
September 10, 2010

PRESENT: Commissioners: Chairman Bob Rice, Prue Berry, Myra Carlow, Bob Clancy and Michael Laffond

ABSENT: None

ATTENDEES/AUDIENCE: Ann Foshay, Matt Crowingshield, David Cousineau, Cindy Laffond, Kathy Jette, Ronald Jette, Michael LaValley, Bill Lattrell, Consultant to the Conservation Commission

The meeting/hearing was called to order at 4:00 p.m.

Ronald Jette handed to the Secretary a check for \$52.47 that is reimbursement to the town for the cost of the required advertising of the hearing. Bob Rice accepted the check to give to the Town Coordinator for deposit.

AUDIENCE OF CITIZENS: Ron Jette stated he had heard that there had been allegations around town that he had performed work at the property without the proper permits. He stated that he had received the required permits for the work performed.

- MAP
201
Lot 31
1. *Hearing on the Request for Determination from Ronald Jette and Kathleen Jette for Map 410, Lot 29* (see documents attached.) Ron Jette and his consultant, Mike LaValley, explained that the Jettes had approached the Board of Health for a permit to have a septic system installed. The Board of Health referred the Jettes to the Conservation Commission due to a concern that the proposed site for the system was too close to wetlands and might violate the Massachusetts Wetlands Protection Act.

Prior to the Hearing, Conservation Commission's Consultant, Bill Lattrell met the Jette's Consultant, Mike LaValley at the Jettes' property and assessed the location of the proposed system and the boundaries of the wetlands. Additionally, several members of the Conservation Commission joined Bill Lattrell at the property to better understand the location of the relevant items.

Mr. Lattrell reported that the proposed location of the septic system is more than 50' from the wetland area, 55' on one side and 60' on the other. His opinion was that the Conservation Commission could give a Negative Determination of Applicability with three conditions, briefly summarized as follows: 1) this determination is for the plan as submitted and any change in the plan would require that the applicant return to the Conservation Commission for approval, 2) erosion and sedimentation control shall be inspected daily and corrective action taken immediately, and 3) any determination issued by the Conservation Commission only applies to the project as proposed and relates to jurisdictional issues of the Massachusetts Wetlands Protection Act. This proposed Title V system does not have Board of Health and such approval will be necessary before any construction of this system begins. (See *WPA Form 2- Determination of Applicability* for the full statement of conditions.

Bob Clancy moved that the Conservation Commission make a Negative Determination on this Application for Determinability, including the written comments of Bill Lattrell as the conditions. The motion was passed unanimously.

2. *Property owned by Matt Crowningshield, Map 410, Lot 29.* Bob Rice read the e-mail memo from Mark Stinson, the Department of Environmental Protection Circuit Rider (copy attached) stating that there had been a complaint about the road Matt Crowningshield had built off of Zoar Road. Mr. Stinson notes that the road is within 200' of Pelham Brook and therefore in the Riverfront Area of Pelham Brook.

Subsequent to receipt of the e-mail, Bob Rice had notified Matt Crowningshield to stop work, stabilize the site and come to a meeting with the Conservation Commission.

Matt Crowningshield explained that he originally planned to build a house at the top of the slope and the road was for access. He also stated that the land at the top of the slope had been logged in the past and he believed that there had been a logging road to the upper woods, pretty much where he has located the present road. He explained that he had purchased the lot about two years ago and did not know when the lot was first created.

Bill Lattrell agreed to look at the site and report back to the Conservation Committee. Matt Crowningshield agreed to determine the date of the original creation of the referenced lot. The matter will be further considered at the next meeting of the Conservation Commission.

Meeting was adjourned at 4:50 p.m.

Net Meeting is scheduled for October 1, 2010, at 4:00 p.m.

Respectfully submitted, Myra Carlow, October 1, 2010

Minutes approved Robert Rice Date Oct 1 2010