

**SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JANUARY 5, 2023
VIRTUAL ZOOM MEETING
MEETING MINUTES**

The Conservation Commission of the Town of Southborough held a meeting on Thursday, January 5, 2023, at 7:00pm via an online Zoom meeting.

Members Present: Mark Possemato (Chair), Benjamin Smith (Vice Chair), Elizabeth Zulick, Kevin Farrington

Members Absent: Russell Gregory

Others Present: Melissa Danza (Conservation Agent), Joe Orzel (Lucas Environmental)

The meeting being duly posted, the chair opened the meeting at 7:00pm.

APPROVAL OF MINUTES

12/08/2022

MOTION: Ms. Zulick made a motion to approve the minutes as drafted. Seconded by Mr. Farrington, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

PUBLIC HEARINGS

**REQUEST FOR DETERMINATION OF APPLICABILITY – 0 CORDAVILLE ROAD
(MAP 20, LOT 10) – CONFIRMATION OF JURISDICTIONAL STATUS OF WETLAND
RESOURCES**

The applicant has requested to withdraw without prejudice.

MOTION: Mr. Smith made a motion to accept the request to withdraw without prejudice. Seconded by Ms. Zulick, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

**CONTINUED STORMWATER MANAGEMENT PERMIT & NOTICE OF INTENT –
200 TURNPIKE ROAD (MAP 28, LOT 3C) – CONSTRUCTION OF WAREHOUSE
SPACE, SALT SHED, AND OTHER SITE IMPROVEMENTS**

Peter Bemis (Engineering Design Consultants) was present on behalf of the applicant. Mr. Bemis stated he wanted to provide an update, but that they do not have comments back from Fuss & O'Neill. Mr. Bemis stated that there is an updated plan set, and addressed the comments from Fuss & O'Neill. Mr. Bemis reviewed an issue with stormwater calculations within HydroCAD, and noted they will be asking for a waiver because they do not have the ability to address it with a

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small watershed. Mr. Bemis reviewed other corrections they have addressed.

With regard to the comments from Lucas Environmental, Mr. Bemis stated that there is runoff from the DPW property on the eastern side of the garage which creates a wetland. They have added two flags and buffer zones to address the presence of this wetland but noted that these additions do not impact the project as proposed. Mr. Bemis also noted that Lucas Environmental has identified resource areas beyond the work limits of the site, and stated that they are not looking for the Commission to certify any of those for this application. Mr. Bemis asked the Commission to allow the applicant to leave the line the way it is flagged, and to put any restrictions within the OoC that acknowledges that they are not asking for certification of locations.

Mr. Bemis stated that if any fees are lacking, he will make sure CMJ pays them prior to the next meeting, and asked the Commission to not ask Engineering Design Consultants to update documents that they did not prepare. Mr. Bemis stated that they did add an invasives management plan per a request from Lucas Environmental, and noted they agreed with the comments about netting. Mr. Bemis stated they will use jute on the slopes and hydroseed on top of it, and that they will be using a biodegradable sock by the silt fence.

Mr. Smith asked about the process for calculating volume. Mr. Bemis explained where the issue is coming from. Mr. Smith stated he will look at the calculations to see if he can help, and possibly recommend a waiver if it is necessary.

Mr. Orzel will get comments next week.

MOTION: Ms. Zulick made a motion to continue the hearing. Seconded by Mr. Farrington, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

**NOTICE OF INTENT – ROW WITHIN TURNPIKE ROAD AND CORDAVILLE ROAD
– REPLACEMENT AND INSTALLATION OF GAS MAIN INFRASTRUCTURE
WITHIN ROW**

Travis Yandow (SWCA) and Jennifer Buttaro (Eversource) were present.

Mr. Yandow presented the project, reviewing the location, proposed work, resource areas, purpose, and construction details. Mr. Yandow explained that the Crystal Pond District Regulator has been identified for retirement due to the location being prone to flooding and dangerous traffic conditions. Mr. Possemato asked if the Crystal Pond Regulator was near Crystal Pond. Ms. Buttaro stated that it is at Crystal Pond, but further down the road. She went on to explain the reason for retiring this and other regulators, which will be replaced with an upgraded system. Mr. Possemato asked if they should be concerned about any work near Crystal Pond. Ms. Buttaro responded no.

Mr. Yandow explained the anticipated temporary impacts to the resource areas and the plan for best management practices, including how they will minimize disturbance, perform good housekeeping, and stated that erosion controls and catch basin inlet will be installed prior to the work commencing. Mr. Yandow reviewed the proposed erosion control barriers, stating that existing paved surfaces will be restored to pre-construction conditions and that SWCA will perform weekly compliance monitoring.

Mr. Yandow stated that the project is anticipated to take 12 weeks to complete, will be performed and accessed from the existing roadway, and SWCA will be conducting a pre-construction compliance contractor training.

Mr. Possemato asked how the applicant is proposing to deal with the disruption to Route 9 and Route 85 during the winter months. Ms. Buttaro stated that they will be doing as much work as possible while the weather permits, and that they are working closely with DOT for the Route 9 work and the Town for Route 85. Mr. Possemato asked if they were talking about the area at Parkerville Road moving east with regard to where the project will encroach on the 20-foot no disturb zone. Ms. Buttaro stated that there are a lot of utilities in the area, so they can only place the gas main infrastructure where there is available space. Mr. Possemato stated that, for the area near Parkerville Road, when Route 9 was redone and widened to put in an acceleration lane, a waiver was issued to allow work to be done within the 20-foot no touch zone. He stated he is unaware of any such waiver issued for Route 85/Cordaville Road, and asked Ms. Danza if the applicant will need a waiver for each section where the project will encroach on the 20-foot no disturb zone. Ms. Danza stated that they can request one for the project as a whole.

Ms. Danza stated that the owners of 120 Turnpike Road reached out to her with regards to the access road from Parkerville Road into 120 Turnpike Road. They were concerned if Eversource had been using the road, as the Conservation Commission has recently raised concerns about erosion issues in that location. Ms. Buttaro stated that they have not yet mobilized any equipment, but that the crews have met to do a walkthrough. Mr. Yandow stated that some equipment was out there when he was doing a site visit, but he was unsure who it was. Mr. Possemato stated that the equipment arrived late Wednesday afternoon. Ms. Buttaro stated she would double check with the construction crews. Mr. Possemato stated that the equipment was dangerously parked, and that there was a lot of it. Ms. Zulick agreed.

Ms. Buttaro asked that since the permit could not be issued at this meeting, due to the peer review not being completed and DEP not issuing a file number, if it would be okay to start work on the Parkerville Road area which falls outside the jurisdiction of the Conservation Commission. She noted the work would be for an assessment and test holes to locate utilities. Mr. Possemato stated that it is outside the Commission's jurisdiction, but advised Ms. Buttaro of the location of a wetland to the north of the red line marked on the site plan. Mr. Yandow stated that they did flag this wetland. Ms. Buttaro asked to confirm that they were all set to start work in areas outside of the Commission's jurisdiction, noting that this type of work is typically done prior to filing for permits. Mr. Possemato stated that if it is outside of the 100-foot buffer zone it is okay as they have no jurisdiction over that work.

Mr. Possemato opened the hearing to the public. There were no comments or questions.

MOTION: Ms. Zulick made a motion to continue the hearing. Seconded by Mr. Farrington, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

NEW AND/OR CONTINUED BUSINESS

REQUEST FROM RECREATION COMMISSION – LIBERTY FIELD USES (*taken out of order for timing purposes*)

Tim Davis (Recreation Director) and Jen Hanson (Recreation Commission Chair) were present. Mr. Davis explained that the Recreation Department has been working to get all their fields up to a functioning level, noting they are at a point where they can implement a rotating schedule. In looking over the CR, they wanted to clarify whether Liberty Field can be used for soccer, specifically soccer practices, as the CR states an allowed use of a soccer field, but also “passive recreation”. Mr. Possemato noted he is very familiar with the field, and stated that one of the biggest complaints was parking lot and provided some history on the use of the field. Ms. Danza reviewed the language on the deed.

Mr. Davis stated that they have scaled back the use of the field and they are looking to use the field only to allow the others to rest, noting it would not be used full time for soccer. Mr. Possemato asked if they are looking to use the field for practices or games or both. Ms. Hansen stated it will at the very least be used for practices, and noted they want to clarify what it can be used for legally, noting they can and will have discussions with Public Safety and will work to not disrupt the neighborhood.

Mr. Possemato stated that from his read of the deed, soccer use is acceptable and that it comes down to being a good neighbor, noting that previously it was scaled back because travel teams were coming in and there was a general disregard for the neighborhood. There needs to be a neighborhood partnership. Ms. Hansen stated that is the intent. Mr. Possemato asked if there is intent to install benches for players, or to use the field as open space as it is now. Ms. Hansen stated that currently players bring their own chairs, and that the biggest thing they might do is line the field. Mr. Davis stated lining the field and goals that are not permanent structures.

Mr. Smith stated that running the plan by Public Safety is a fantastic idea, and the plan sounds reasonable. Mr. Possemato reiterated the history of the impact on the neighborhood. Ms. Danza stated she can partner with Mr. Davis to discuss frequency of use, and stated that she hopes Recreation will come before the Commission in the future to discuss usage and if any abutters have concerns. Mr. Possemato recommended having a half hour break between usage of the field to reduce traffic congestion.

Mr. Davis stated permitting will be opening in February, and he will share the schedule with Ms. Danza. Mr. Possemato stated that the deed is clear that soccer usage is permitted.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 184 WOODLAND ROAD DEP #290-1080

Mr. Possemato stepped out briefly. Ms. Danza provided a brief overview and recommended that the Commission issue the CoC.

MOTION: Ms. Zulick made a motion to issue the CoC. Seconded by Mr. Farrington, the motion carried 3-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 139 DEERFOOT ROAD DEP #290-1015

Ms. Danza provided a brief overview and recommended that the Commission issue the CoC. Mr. Farrington asked if this was because they could not get an easement on the neighboring property. Ms. Danza confirmed. Mr. Farrington stated that the easement was a condition included in the original OoC and asked if that is covered by the CoC. Ms. Danza stated that she will include that

there is no easement in a finding of fact.

MOTION: Mr. Smith made a motion to issue the CoC. Seconded by Ms. Zulick, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 4 PRENTISS STREET DEP #290-911

Ms. Danza provided a review of the history of the project and application. Ms. Danza recommended the Commission issue the CoC.

MOTION: Ms. Zulick made a motion to issue the CoC. Seconded by Mr. Smith, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 2 HIDDEN MEADOW ROAD DEP #290-1077

Mitch Maslanka (Goddard Consulting) was present on behalf of the applicant. Mr. Orzel stated he reviewed the applicant’s response, stating pretty much all the items were addressed. Mr. Orzel stated that there were two remaining items: submitted narrative was not prepared or signed by a PE as required under the OoC, and questioned the four trees that were cut down, but he stated he understood that the Commission has previously discussed this. Ms. Danza confirmed.

MOTION: Mr. Smith made a motion to issue the CoC. Seconded by Mr. Farrington, the motion carried 3-0-1 by roll call vote: Zulick- abstain; Farrington- aye; Smith- aye; Possemato- aye.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 124 DEERFOOT ROAD FY19-4

John Kucich (Bohler Engineering) and Joey LaPointe (Brendan Properties) were present. Mr. Kucich provided a brief history of the project, stating that they did go to the Select Board where they agreed to put an additional swale/French drain on the property which has been constructed, and noted that all the Fuss & O’Neill comments have been addressed. Mr. Kucich stated there was concern about water draining onto an abutting property, but noted that the abutting property is on a hill, and stated the original application was to reduce the rate and volume of runoff heading to the abutters’ property, and that adding the swale goes above and beyond.

Mr. Farrington stated that he could not find the swale/French drain on the as-built plan. Ms. Danza stated that the elevation is too small to see it on the scale of the as-built plan, and she described the location of the swale/French drain. Mr. Possemato asked if the swale/French drain catches the water coming down the hill and routes it to the south. Mr. Kucich described the original flow of the water, how the project impacted the flow, and the purposed and location of the swale/French drain on the as-built plan. Mr. Possemato asked if Fuss & O’Neill has reviewed swale/French drain to verify compliance with the SMP. Ms. Danza confirmed.

Mr. Possemato opened the discussion to the public.

Lisa Dunderdale (122 Deerfoot Road) stated that her property abuts 124 Deerfoot Road. She stated she sent an email notifying the Conservation Commission that she was asking them to not issue the CoC due to excessive amounts of water coming onto her lot from 124 Deerfoot Road. Ms. Dunderdale stated that she had sent a video to the Commission of the water that is coming off of 124 Deerfoot Road onto her property. Ms. Dunderdale went on to explain that after reviewing

all the information, she knew there was a swale there prior to the review by Fuss & O'Neill, and stated the applicant had said they were going to correct the swale so that it was function properly. Ms. Dunderdale stated that at this point water is not making it to the French drain, so she and another abutter at 120 Deerfoot Road are continuing to have issues. Ms. Dunderdale stated that she did not see anything on the maintenance plan regarding whether the French drain will need to be cleaned out on a regular basis, and restated that she is asking the Commission to not issue the CoC, and that she is hoping the Commission will work with the builders and owners to correct the water runoff.

Mr. Possemato asked Ms. Dunderdale if she is saying the water is not making it to the manufactured swale. Ms. Dunderdale stated that the water is coming underneath the stockade fence. Mr. Kucich stated that the topography of the land means that 124 Deerfoot Road is uphill of 122 Deerfoot Road, so water will always flow downhill. He stated that the original calculations showed that the proposed development would result in less water but not eliminate it, which is the requirement under the Stormwater regulations. Mr. Kucich stated that they added the swale because the developer wanted to be a good neighbor, and shared a picture of the French drain to explain how it was built. Mr. Kucich stated that water will still pass over the French drain and go under the fence during larger storms, but noted that the flow is less and that the project has been reviewed by peer reviewers and complies with the permit. Mr. Possemato asked where the pipe daylights to. Mr. Kucich showed the location of daylight on the as-built plan, stating the water would ultimately go to the roadway catch basin. Mr. Possemato asked if, where the pipe daylights, the water will make it down the hill to the catch basin or if it will find its way to 122 Deerfoot Road. Mr. Kucich responded that water would head in the direction of the road. Ms. Dunderdale stated that water was coming onto her lot before the start of the drain, and that they were relying on calculations from an engineering plan that has been modified several times to address water runoff onto abutting properties. Ms. Dunderdale also explained issues with water runoff onto 126 and 126A Deerfoot Road, noting the location of other drains that were constructed so water went down into the ground so that there is not much water coming out onto the road. Ms. Dunderdale went on to state that where 124 Deerfoot Road starts there is still a lot of water coming down onto the road, and that her property is still having water trespass, and they have never seen this much water come on to her property.

Mr. Possemato asked Ms. Dunderdale to explain where the water is coming from if it is not coming from the area of the stone drain in the picture. Ms. Dunderdale stated that it is coming from the end of the stockade fence towards 120 Deerfoot Road, and that water is coming down the hill.

Mr. Kucich stated that the requirements for the project were to match or provide less water than exists under existing conditions, noting that there is water that comes from 124 Deerfoot Road onto the properties below, as it did during pre-development conditions, and that the swale was added to go above and beyond. Ms. Dunderdale stated that there has never been this much water and referenced a video she had previously sent to the Commission.

Mr. Possemato asked Ms. Dunderdale if she had any videos of inundation of water that occurred during the rainstorms before Christmas. Ms. Dunderdale stated she had videos from August of 2022. Mr. Possemato stated he was curious about the very heavy rainstorm just before the Christmas holiday. Ms. Danza stated that the homeowner was installing a new pool during this time as well, and that there was a sediment and erosion issue that she met with the abutters and homeowners to address. She noted that the homeowners were very responsible and responsive, and noted they have seeded the slope and placed erosion controls. Ms. Danza stated that there was

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a problem for a little while, but it was from the homeowner and the pool project, which was separate from this project. Ms. Dunderdale stated that the pool is not in the location of where the water is coming from, and that the French drain should have extended across to the back of 120 Deerfoot.

Mr. Possemato asked if the area on 124 Deerfoot is stabilized. Ms. Dunderdale stated that there is grass up there but there is still water coming down. Ms. Danza stated that the homeowner have stopped the pool project for a little bit so there is some material stationed behind the house, but the area has been stabilized. Ms. Dunderdale commented that there is a big pile of dirt directly behind the fence at the very top of the fence, and she was unsure if the water was taking silt down the hill. Mr. Possemato asked if the pool construction was still going on, and if there is still disturbance on the back of the property. Ms. Danza confirmed, and noted that the homeowner did do some temporary stabilization, there was some disruption in the original area near the fence, and noted that the area has since been stabilized. Ms. Dunderdale stated that the drainage on the land has changed. Mr. Possemato stated that the crux of the problem is that water runs downhill, and asked Mr. Kucich if, even though the flow of water has decreased, the flow has made its way to a particular point where it is increased in a particular area instead of being spread out. Mr. Kucich stated that the volume and rates at locations must match, they have matched the contours as they existed, they have not created point source discharge, and that everything was reviewed by peer reviewers and all the comments have been addressed. Ms. Dunderdale stated that their property is still being impacted due to significant flow coming down onto their property before it gets to the drain.

Mr. Smith stated that the SMP Bylaw requires post-construction flows to be equal to or less than pre-construction flows and volumes, and that the bylaw references DEP Stormwater Management guidelines and techniques to measure these flows. Mr. Smith also stated that both the applicant and the Commission are bound by these techniques, and that the role of Fuss & O'Neill is to ensure the applicant used appropriate engineering techniques and the Commission is required to accept them.

Ms. Dunderdale stated that before building started, there were a lot of trees on the side of the hill and the developer clear cut the lot prior to the plan being approved. Ms. Danza confirmed that it was an after-the-fact filing. Ms. Dunderdale stated that trees capture the rain and take the water down into the ground, so the flow of water has changed significantly and there is still a big flow of water coming down off the hill and something needs to be addressed as it is impacting the land and surrounding properties.

Mr. Possemato stated the SMP was issued for construction of the home on 124 Deerfoot Road, and since the home has been built a swimming pool project has started that is still under construction. Mr. Possemato noted that the Commission does have an enforcement order at their disposal should they find that the swimming pool or pool house work is impacting abutting properties, even if not triggering a new SMP, and they can use this to address any on-going issues. Mr. Possemato stated that he was inclined to move forward with the CoC for this lot for the house, and watch closely any work for the pool and backyard with respect to violations that could impact the abutters. Mr. Possemato stated that the engineering and review process holds up, the documented details from August when construction was happening are not current. He went on to stated that there is stabilization on the lot but with on-going work taking place in the spring, it warrants monitoring to make sure that work is mitigated with respect to runoff potential that is inundating the abutters. Ms. Dunderdale asked who is responsible for the monitoring, and stated that she was concerned that issuing the CoC would take away the abutters' ability to remedy the

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situation.

Mr. Possemato stated that issuing the CoC relieves the deeded lot of the burden, noting that with regard to the process, the requirement for getting a CoC is rather loosely tracked. He also noted that issuing the CoC will in no way relinquish any burden on the homeowner of dumping water on the property.

Ms. Dunderdale asked if the Commission would oversee the pool and pool house construction, along with the big pile of dirt and impact on the flow of water onto her lot. Ms. Danza stated she will do so. Ms. Danza also stated she has been in contact with the homeowner, noting that he understands the concerns of the abutting properties and is aware to keep up erosion controls when the work starts back up. Ms. Danza will send a note to the homeowner to ensure there is a wattle around the stockpile.

Ms. Dunderdale asked if the maintenance of the swale/French drain will be written into the CoC. Ms. Danza stated that Bohler Engineering is going to update the O&M Plan to include the swale as well as on-going maintenance, noting that any O&M plans are included at the end of CoCs and they will be recorded at the Worcester County Registry of Deeds and that she will also send a copy directly to the homeowner. Ms. Dunderdale also requested a copy.

MOTION: Mr. Smith made a motion to issue the CoC. Seconded by Ms. Zulick, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

SMP BYLAW & REGULATIONS UPDATE/CHANGES & TOWN MEETING WARRANT

Ms. Danza discussed the options with regards to the SMP staying or being taken out of the Zoning Code. Ms. Danza stated that the Commission needs to decide on whether to remove the SMP bylaw from the from Zoning Code because that will determine the appeal language. The draft would then need to be submitted to the Select Board followed by the Planning Board for a public hearing. Ms. Danza has asked Town Counsel on what specifically the Planning Board needs to vote on, but has not yet received an answer. Mr. Possemato asked why there is a dependency on the Planning Board. Ms. Danza stated that any changes to the Zoning Code require a public hearing with the Planning Board. Ms. Danza stated she is trying to get a public hearing for February 6 with the Planning Board. Ms. Danza reviewed the options and reasons for taking the bylaw out of the Zoning Code versus leaving it in, stating that if they take it out of the Zoning Code it would remove the ability of the Zoning Enforcement Officer to waive the SMP bylaw, which has been an issue in the past. Mr. Possemato noted that the Building Commissioner is responsible for Zoning enforcement, and that the position is not typically interested in enforcing the stormwater bylaw. Ms. Danza stated that the enforcement section in the bylaw does name the Conservation Commission or its agent as responsible for enforcement. Mr. Possemato stated that it has been waived in the past, and that if they change the appeal process it would help solve that issue. Mr. Smith agreed and voiced his frustration with the lack of response from Town Counsel. Mr. Smith also stated that going to Town Meeting not fully prepared or with holes in their proposal would be a mistake. Mr. Smith asked Ms. Danza if she had heard anything from Mark Purple with regards to meeting with Town Counsel or getting a legal opinion. Ms. Danza stated she has not. Mr. Possemato agreed that going into Town Meeting without everything being complete is not a good idea. Ms. Danza stated that if they decide to wait until fall Town Meeting, it will give them time to update Atlas 14 calculations within the regulations. Mr. Smith stated he

is strongly in favor of doing that as early as the next meeting, as he feels it is a critical change. Ms. Danza stated she would work on a draft to get for the next meeting but stated that any changes to regulations must be posted 14 days prior to being accepted.

Ms. Danza stated she would follow up with Town Counsel but if there is not an appropriate plan going forward this will go to fall Town Meeting. Ms. Danza stated she wanted to confirm that the Commission is okay with moving forward with the submission of the warrant article as discussed, moving the SMP bylaw out of the Zoning Code which would change the appeals to the Superior Court, and that she has decided to leave the definitions within the bylaw. She stated that changing definitions would be done more easily within the regulations. Mr. Possemato stated he would hesitate to put it in a Town Warrant article if they are not ready to take it to Town Meeting. Ms. Danza stated she should know by Tuesday if this is possible, stating she did not want to rush the process.

OTHER BUSINESS

CONSERVATION SCIENTIST/AGENT REPORT

UPDATE ON OPEN AND ACTIVE SITES

Fayville Hall, 40 & 42 Central Street: Ms. Danza stated that construction has begun, and that the owners met with Karina Quinn (Town Planner) where they discussed minor changes to the parking areas. If there are any changes to the parking areas, they will need to be reviewed and approved by the Conservation Commission because there are both an OoC and SMP.

84 Main Street: Ms. Danza has not received anything regarding the Commission's request for an as-built plan. Ms. Danza has been speaking with Michael Weishan as the representative for the owner, as well as Grant Farrington from the Historical Commission as they have some concerns as well. Ms. Danza stated she may meet with Mr. Farrington and Kevin Miller (Historical Commission) and she hopes there can be one concise list of unresolved issues. Ms. Danza feels they are on a path towards ensuring compliance with the various restrictive covenants on the property.

Lorenzo Drive: Ms. Danza has requested additional erosion controls due to disturbed soil without wattles along the curbs of the roadway.

BREAKNECK HILL DUMP

Ms. Danza explained that Ms. Fallon (abutter) went to Public Comment at the Select Board meeting to raise concerns, mostly regarding liability, stating that she is concerned with potential contamination. Ms. Danza stated Ms. Fallon was concerned and saying they were pushing her hand. Ms. Danza noted that it has been almost a year of working on just the access agreement, and explained that Town Counsel will be discussing with DEP because it will not be suggested that the access agreement, as Ms. Fallon signed it, be signed by the Select Board. Ms. Danza noted that there is a tight timeline in order to stay on track with the plan, and that they need to make a cleanup plan and get a cost in for Town Meeting. Ms. Danza stated that TRC is ready at a moment's notice to start the cleanup plan.

Floodplain Bylaw

Ms. Danza stated that the Town is in compliance with its Floodplain and Wetlands Overlay District Bylaw, and that Conservation will be in charge of administering the bylaw. Ms. Danza noted the bylaw already exists, but it is insufficient. It does not require anything additional from the Commission, but in revising the bylaw, Ms. Danza has put in that the Conservation Agent is the administrator of this overlay district, which means she would keep track of any properties that have structures or that have to pull a building permit to put a structure within a floodplain. Ms. Danza explained that it is the FEMA basics for the National Flood Insurance Program that the federal requirements are greater than what the state has in its laws.

OTHER BUSINESS AS MAY ARISE

MOTION: Ms. Zulick made a motion to adjourn the meeting. Seconded by Mr. Smith, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Smith- aye; Possemato- aye.

Respectfully Submitted,

Lara Davis

Recording Clerk

Documents Used:

1. Site Plan – 200 Turnpike Road
2. Eversource Presentation Materials
3. As-Built Plan – 124 Deerfoot Road