



TOWN OF BROOKFIELD
Conservation Commission
6 Central Street
Brookfield, MA 01506

Minutes
Tuesday September 15, 2009
Town Hall 7:00 p.m.

Present: Kenneth Cleveland
Heath Grimes
George Leblanc
William Neault
John T. O'Leary
Timothy Simon

Meeting called to order at 7:00 pm. By Mr. O'Leary followed with the Pledge of Allegiance.

Correspondence:

An email was received from the property owner's son for 92 Quaboag St. stating it had been purchased back in 1933 by their grandparents. Currently the owner who is now 92 years old has the property for sale. It seems the prospective new owners met with the Conservation Commission and were told the property has not been occupied for some 20 or 30 years. While the cottage may appear need of upkeep, it has been occupied every summer. We have been working with the Brookfield Water Commission ever since to have the water turned on every spring and turned off in the fall. Also the two adjoining neighbors as well as others in the surrounding area can confirm our continued use of the property.

Notice of Schedule exit interview received from the Selectmen.

Notice Dept. of Spending \$250 has been rescinded, and asked each dept. to be aware of their spending.

Notice on attending courses - Should any dept. be considering attending courses the Board needs to get permission from the Selectmen.

Mr. O'Leary would like to see Mr. Simon complete the courses so he may be certified by the State. Mr. Simon stated he is currently working on 8 day session and has completed 5 days.

Motion to continue education by Mr. Cleveland, 2nd by Mr. Grimes, All in Favor.

Letter from Mr. Robert Noons for a summary of financial status - tabled to next month. Mr. O'Leary stated he needs time to read the information.

cc: PB FILE / BANNIS 14 92 QUABOAG ST.

Letter from JP was received stating the services they provide for municipalities, i.e, peer review, along with offering free training. This information will be reviewed for future reference.

Mr. Bannish potential owner 92 Quaboag St

Present were Mr. Leahy from the Planning Board, to help explain concerns that the Conservation Commission may have as to how the Bylaws are written, and that future meetings should be held so that board members may gain an understanding of the concerns and work on resolving any future problems.

Mr. Gobi Engineer for Mr. Bannish presented a potential plan for the septic system along with a photo of a map dated August 1933 showing the house.

Mr. O'Leary stated the land is subject to 100' flood plain, and asked about the back of the property. Mr. Gobi stated the back is higher. In order to replace the septic system to Title V standard, fill will have to be added.

Mr. Cleveland has concerns this will have an effect on the neighbors. Mr. Cleveland said every year the street in that area is closed off due to flooding. Mr. Cleveland asked what is the height of the water table. Mr. Gobi said that was not on the original photo of the flood plain. Mr. Neault commented to follow up with the Public Access Board. Mr. Gobi stated it is not up to the Conservation Commission to restrict people from improving the homes, and upgrading their septic systems.

Mr. Cleveland asked how many bedrooms will the house have? Mr. Bannish stated 3. Mr. Gobi stated the difference in the house will be an additional 400'. Mr. Gobi stated they are appearing before the Board for guidance as to how to proceed.

Mr. Leahy stated the purpose and intent of the bylaw: The purpose of these regulations, in all districts, is to preserve the rural character of the Town of Brookfield, to provide suitable locations for various uses of property, and to protect the town's natural resources, especially water supplies. A special permit may be issued for work in the Flood Plain, under Section 4C2b Zoning Bylaws:

- a. Special Conditions for Granting of a Special Permit: Development within the Flood Plain District of any structure requiring a septic system shall be allowed only if authorized by a special permit granted by the Planning Board. Such special permit shall be granted only upon determination by the Planning Board that the Conservation Commission has reviewed the proposed development and submits that

- (1) the proposed development is not subject to flooding, or

- (2) the proposed development lies outside of the floodway and meets all other applicable requirements and will constitute no hazard either to site occupants or to others.

The Planning Board follows these bylaws when issuing any permits.

Mr. Leahy then stated in a flood plain zone there are 2 dimensional heights, and they are bound by the Zoning Flood Maps.

Mr. O'Leary stated everything goes down stream and needs to touch base with D.E.P.

Mr. Cleveland stated his concerns are on the flooding that occurs in that area.

Mr. Leahy said there are ways to get the height of the elevation in that area.

Mr. O'Leary asked how much displacement with the addition of 400'. Mr. Grimes added the amount and stated approximately 2,000 gallons.

Mr. Cleveland asked the Board to continue this until all the information has been received with the plans. Mr. Cleveland asked Mr. Gobi if the Board may have a copy of this plan presented tonight, and Mr. Gobi stated no, this plan is only to be used for guidance from the Board. This plan was only to show the points & concerns that the Board may have.

Mr. Simon had a few questions that needed clarification on the actual height and removal of soil.

Mr. Simon stated his understanding of the Planning Board Zoning Bylaw on Section 4C2b from his attendance at last month's meeting was that the Planning Board members would overlook the bylaw by voting for the "development". It is Mr. Simon's understanding this is new construction. Mr. Gobi stated no it wasn't, new construction is for buildings on an empty lot, not a pre-existing structure. Mr. Leahy stated he could not compromise the Board's meeting, he is only here to help answer questions. In order for the Planning Board the Zoning Bylaw states that they have to receive from the Conservation Commission as stated above 1) proposed development is not subject to flooding 2) development lies outside of the floodway.

Mr. Simon commented on cases that have been filed with the courts on taking land, and flood storage, if the towns can prove the trouble caused to neighbors and the cost to towns due to hazardous problems.

Mr. O'leary stated any process would have to involve Notice of Intent, a Public Hearing would need to take place, and the final result would be determined by D.E.P. and an order of conditions would be generated by the Conservation Commission. This will be time consuming.

Mr. Bannish asked if the Conservation Commission ever get involved with natural displacement - Mr. O'Leary stated no, the Board has no way to control any natural displacement, which also means beavers or any other natural conditions. Mr. O'Leary asked for a motion to continue the meeting.

Mr. Bannish stated to the Board not to spend anymore time on this matter, He needs to make a decision as to the cost that will be incurred. Mr. O'leary stated this needs to be resolved since there may be more applicants that live in the Flood Plain area that need to update their septic system. The Conservation Commission looks forward to working with the Planning Board in resolving these issues.

Mr. Correia, White's Landing, Fiskdale Rd

Mr. Correia presented plans for a proposal to the Board members to extend buildings in the back, sona tubes will be used to allow displacement of water. Mr. O'Leary stated sona tubes is a good way to go and he does not have any concerns with the plans.

Mr. Leahy says this is the same problem as the previous with the exception he is not updating the leach field.

Mr. Correia stated the tight tank was installed by a professional engineer, and done prior to his purchase of the property. Mr. Leahy stated proof of the flood plain would need to be certified on the plans showing the elevation of the water. Mr. Correia said what he is trying to do will be about 8" to 1 foot addition and sona tubes will be used. Mr. O'Leary, Mr. Cleveland did a site visit.

Mr. O'Leary asked if anyone on the Board has any problems.

Mr. Leahy stated if someone can certify the plans is not subject to flooding.

Mr. O'leary asked for a motion that a certificate needs to show the flood plain level.

Motion made by Mr. Neault to approve contingent upon seeing the certificate showing elevation of tight tank at or above 100' Flood Plain, 2nd by Mr. Cleveland, All in Favor, opposed Nay.

Approve minutes August 18,2009

Motion made by Mr. Neault to accept the minutes with changes, 2nd by Mr. Grimes, All in Favor with Mr. Leblanc he was not present at that meeting.

Other Business:

Mr. Simon is currently on trying to work with Massachusetts Association Conservation Commission to come in and answer only questions presented to them. Mr. Simon feels there are a lot of concerns that need to be addressed. He will find out the fee, and also ask some of the other boards if they would be interested in participating and have questions that they could possible pay for an allocation of time.

Meeting adjourned at 9:00 pm.

Next meeting October 20,2009.

Respectfully Submitted,

Diane Stawski Secretary for Conservation Commission

Minutes approved: 10/20/09