



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

Minutes Wednesday December 16, 2009

Members present: Kenneth Cleveland
Heath W. Grimes
William Neault
John O'Leary
Timothy Simon

Absent: George LeBlanc

Meeting called to order at 7:05 pm with the Pledge of Allegiance.

Mr. O'Leary called the Public Hearing 92 Quaboag St, Notice of Intent # 119-0119 to order at 7:15 pm

Mr. O'Leary asked Mr. Bannish if the ad was placed in the newspaper. Mr. Bannish presented copies of the ad along with a copy of the abutter's list, and showed receipts of certified letters.

Present at the meeting were: Ms. Donna Welch and Mr. Jackson 94 Quaboag St., Mr. Rodney Zalimas, 90 Quaboag St.

Mr. Richard Gobi consulting Engineer for Mr. Bannish was present.

Mr. Bannish presented copies from Girard Survey & Mapping with regards to wetland delineation, environmental assessment for 92 Quaboag st., along with Mr. Gobi presenting a plan map showing the septic tank will be 43' from the wetlands.

Mr. O'Leary asked Mr. Gobi if he could move the additional 7'. Mr. Gobi stated he cannot meet the 50'. Mr. Gobi stated that is a Board of Health issue & Mr. Bannish will apply for a variance.

Mr. O'Leary then asked Mr. Gobi about plan B - area for compensatory storage. Mr. Gobi stated the only difference in the plan submitted tonight is the size is smaller than the first plan, it is so slight in difference that it wouldn't make a difference.

Mr. Cleveland asked if the elevation was on the plan. Mr. Gobi stated other homes in the past has done septic systems with no compensatory storage and that the conservation commission has not brought up compensatory storage issues in the past.

Mr. Cleveland stated we asked for certification of elevation and the plan presented is not certified. Mr. Gobi said he was not aware the Board had requested a certified copy. Mr. Gobi said he would have Mr. Para engineer certify the plan.

Mr. Simon asked the Board if they would accept the elevation on the plan presented. Response by the Board the plan must be certified showing the correct elevation.

Mr. Bannish stated the elevation is on the Fema map. Mr. Gobi stated he used the marker on the railroad bridge.

Mr. Simon informed Mr. Gobi that the elevation marker used is approximately 2 miles away and as far as he knows water runs down the hill, and that method cannot be used. Mr. Simon informed Mr. Gobi that the survey plans need to be certified. Mr. Simon stated he is very upset that Mr. Gobi was not able to find the correct marker for elevation. With some work Mr. Simon found the elevation marker located in E. Brookfield and informed Mr. Gobi where to look for the marker. Mr. Gobi stated he will have Mr. Para do the certification.

Mr. Bannish asked for the Board to write up conditions.

Mr. Simon said that could not be done without a survey. Mr. Bannish stated you know where the height of the flood plain is.

Mr. O'Leary stated there are issues 1) the Board does not have a certified copy of the survey. 2) compensatory storage was not documented in the flood plain.

Mr. Simon asked Mr. Bannish if he was willing to accept that everything is in the flood plain and if Mr. Bannish would be willing to concede his right. Mr. Bannish stated he is aware and everything is within the flood plain and is conceding his rights.

Mr. O'Leary opened the questions to abutters:

Mr. Jackson is concerned that any filling of soil on 92 Quaboag St will impact 94 Quaboag St. The homes are so close his property will flood more since the filling will raise the lot of 92 Quaboag, and 94 Quabog will be lower and water runs downhill.

Mr. Zalimas 90 Quaboag stated similar concerns and the problem comes with water from the back of home from the wetlands and the water meets in the center of the road.

Mr. Cleveland asked Mr. Gobi about the flood plain elevation, Mr. Gobi said 605' and the edge of the property is 604'.

Mr. O'Leary asked if the Board wanted to take a vote and what action does the Board want to take.

Mr. Neault asked Mr. Bannish how many bedrooms in the house. Mr. Bannish said 3, but could change to 2.

Mr. Simon said this is a special case and is trying to help, whatever the mark is has to be certified. The Board cannot assume the water level, since the property is in a flood plain.

Mr. Cleveland is concerned about displacement that would effect the neighbors.

Mr. Bannish stated he has received an extension to purchase the property to February 15, 2010 and would like a written decision by then.

Mr. Gobi stated when the notice of intent was filed with Department of Environmental Protection (D.E.P.) they did not respond by letter and had no comment.

Mr. Simon stated it is up to the Conservation Commission to write the order of conditions.

Mr. Cleveland to contact D.E.P. asking for guidance.

Mr. Gobi will get a certified survey of the plan.

Mr. O'Leary to continue public hearing to January 20,2010 at 7:00 pm.

Mr. Charles Wilson & Mrs. Sue Finney 8 Ward St deteriorating wall along the river

Mr. Wilson presented plans and pictures showing the rotting of rail road ties used along the riverfront property. The pictures show the ties breaking and falling into the river.

Mr. Neault asked if any drainage would be behind the wall. Mr. Wilson stated they will use stones & silt to stop leaching.

Mr. O'Leary asked how much of the ties are below sand. Mr. Wilson said the bottom tie is even with the sand as noted in the picture. Mr. Wilson will be removing old rotting ties & replacing with stone.

Mr. O'Leary informed Mr. Wilson the work was to be done only when the water table is low.

Mr. O'Leary stated the plan submitted has no negative impact.

Motion to accept the plan as submitted by Mr. Cleveland, 2nd by Mr. Simon, All in Favor with Mr. Neault abstaining.

Correspondence:

Letter received from Board of Selectmen asking for budget report for 2011, given to Mr. Grimes Treasurer.

MACC received a letter asking for an updated list of Conservation Members. Ms. Stawski to mail.

QQLA received update dated November 2009, read President's report dated Oct 22, 2009.

Ms. Stawski received a request be email from Mr. & Mrs. Richard Rybak owners of 92 Quaboag St., asking for copies of Sept., Oct and Nov minutes of the meeting. Ms. Stawski sent by email stating that the minutes of Nov 17,2009 were in draft form only and has not been approved.

Minutes:

Nov 17,2009 motion made to accept as amended Mr. Neault, 2nd by Mr. Simon, All in Favor abstaining Mr. Leblanc.

The meeting adjourned at 9:00 pm.

Respectfully Submitted,



Diane Stawski Secretary for Conservation Commission

Minutes approved: 11/26/10