



Town of Avon Conservation Commission

**Thursday, January 12, 2012
Meeting**

Members Present: Chairman; Dave Young, Vice-Chairman; Kevin Mooney and Kerin Metcalf; Landis Hershey; Conservation Agent.

Others Present: Bill Self; Curley & Hansen, Todd Pillings; Curley & Hansen both here to represent 120 South St
Eddie Mekjian; 131 South St, John & Kathleen Smith; 47 Nichols Ave, Madeline Small; 139 South St, Dawn E & Dawn M Pelletier; 140 South St –abutters of 120 South St.

Meeting call to order at 6:40pm

Mr. Mooney motioned to approve the invoice for Landis Hershey; Conservation Agent for \$120. Ms. Metcalf seconded the motion. 3-0

The Memo from Mr. McCue was read regarding the Mass. Public Records Law presentation that will be held at the Town Hall on January 26, 2012 at 12:00 pm.

The Commissioners reviewed the Pond St Amended Order of Conditions that was done on November 7, 2011.

330 Howard St will be postponed until the next scheduled hearing. The Conservation Commission has established a proposed Enforcement Order, but there are a few items that need to be tweaked, including the performance bond. Mr. Mooney will draft a letter to the owners and representation requesting the necessary information so the Avon Conservation Commission can proceed with the order and also see where things stand with the Avon Water Department. The Commission is and will require approval from all Avon Department, Boards and Commissions. A site visit viewing that the necessary measures are being taken.

Mr. Mooney briefed Ms. Hershey of the property located at 338 Howard St, Brockton and how certain specifics to general bylaws were not exactly known. But the Commission is trying to work together with 330 Howard St LLC to resolve the violations and make the necessary corrections.

Mr. Mooney will draft a letter and forward it to the other Commission members, the Agent and Town Council for review.

7:00pm

120 South St

Mr. Young read aloud the public hearing notice for TL Edwards for a retaining wall and disposal system for the property at 120 South St.

Mr. Self noted that the property had had a single family dwelling with a garage on it, which the house was demolished and the garage was left standing, then the lot was subdivided in to two lots. The property that he is focused on is referenced as Lot 2A on the plans. Mr. Self explained that there will be a 300' buffer between the proposed dwelling and 140 South St. The Depression at the front and westerly sides of the property has vegetation growing in them, but is such a size that they are not protected under the wetlands act and are known as a quarter acre foot. The house will be raised up slightly due to the water table. They will clear out the front of the property and extend the current wall across the front and down the westerly side running down the property line of 140 South St. Ms. Pelletier questioned the brook that runs through the property to hers. Mr. Self explained the water is from the catch basin and Mr. Edwards will be putting in a retaining wall to top water from running to her property and will have an overflow pipe directing it to the storm drain. Mr. Self mentioned that they would fill in the 2 two small areas to use as a landscaping area. The side wetlands area overflow will drain into the main street drainage system. Mr. Mooney questioned that the small depressions are surcharged by the pond but you (Mr. Self) are stating that they are not considered wetlands? Mr. Self stated that the wetlands analyst had said that because they do not hold water for a period of time it does not qualify (to be protected) under the Wetlands Protection Act as stated in the submitted report. When the driveway was put in is when they trapped the water there not allowing it to drain, and the driveway was installed before the Wetlands Protection Act came into effect. Mr. Mooney mentions that at some point in time it most likely was connected to the pond and there is no filling in the 100' wetlands buffer.

Ms. Hershey states that these areas maybe wetlands and cannot be ruled out because they are not Bordering Vegetative Wetlands. They may be protected under the town bylaw and it needs to be clarified. Having hydraulic soils and/or hydrology qualifies an area a wetlands.

Mr. Cumming, the engineer that had done the perc, drainage and septic calculations, stated that the regulations do not give any definition of resource areas.

One of the abutters asked the question what is going to happen to the pond on the side of the property (westerly)? Mr. Self states it is going to be filled in and reshaped with a small square area, "swale", that will only allow the water reach a certain height before it reaches the overflow pipe that will be installed. The retaining wall will be two feet +/- running along the property line so that no water will run towards #140 South St. The grade will decline from the wall to be sure the water stays on the property. Mr. Self expressed that Mr. Edwards would like to prepare and clear the front portion of the property to have it ready to be built on that is why he has proposed septic plans. Mr. Pillings stated that the test pits were all top and sub soils, the soils were firm, and then sand. They did not hit any clay or ledge. All holes did have a high water table of 24"-30". Mr. Self stepped in to mention that the septic system would be built up. Mr. Mooney questioned how the plan shows that the manhole is in the ground table. It was explained that it is a sealed system.

Ms. Hershey noted (as she read a section II of the Avon Wetlands By-Law, that if any freshwater wetland is under the jurisdiction of the Conservation Commission. Mr. Pillings replies that a new set of plans would have to be done showing the depression as wetlands per the Avon By-Law and new boundaries set. She expresses her concerns that isolated wetlands has connection with the ground water and acts as a filtration system for the surface water.

Mr. Self explains that he understands and with his discussion with the Commission prior that some sort of replication would be needed and that is how they had come up with the swale on the side of the property. Mr. Self notes that the water table has an elevation of 203 and the bottom of the basin is 208. Mr. Pillings says that is why they relocated the isolated pocket to rear of the properties. Mr. Mooney questions if a wetlands could be replicated in the bottom of the proposed basin. Mr. Pillings states that they would have to dig it out more to be closer to the water table for the plants to survive. Mr. Mooney questions why the septic system cannot be in the rear of the property. Mr. Self mentions that he had spoken to Mr. Edwards regarding that and he (Mr. Self) is already planning on doing testing to the rear of the property next week on their own. The Current driveway would be removed and a new asphalt one will be installed to service both properties. The roof drains and impervious surface was discussed briefly.

A site visit of the property is scheduled for Saturday January 21, 2012 at 9:00am.

Mr. Pillings reviewed his list of items to do: a new set of plans showing the correct buffer zone, replicated wetlands, roof drain run off, drainage calculations, pervious areas, lower pond to turn into wetlands, use of silt sock instead of silt fencing and extend to slightly around rear of property and an elevation profile for foundation.

Mr. Mooney motioned to continue the discussion of 120 South St to the next scheduled meeting, after the site visit. Ms. Metcalf seconded the motion. Motion passes 3-0.

Mr. Self said they will move ahead with doing the test pits at the rear of the property.

Ms. Metcalf motions to adjourn the meeting, Mr. Mooney seconded the motion. Meeting adjourned at 8:08pm.