



Town of Avon

Conservation Commission

Thursday, December 17, 2020

Members Present: Kevin Mooney, Edward Mekjian, John Costa

Absent: Christopher Canducci

Others Present: Julia Stearns, Mr. Muhammad M. Itani

Mr. Mooney opened the meeting at 6:00 p.m.

Mr. Mooney announced that the meeting is being recorded by Avon Cable. Roll call was taken with those present.

Old Business

– Joanna Hill Estates Proposed Housing Development Subdivision

Mr. Muhammad M. Itani is representing Joanna Hill Estates and the project. Mr. Muhammad M. Itani thanked the commission for preparing order of conditions in short notice. Mr. Mooney asked the commission if they had anything to address before opening the meeting. Mr. Mooney started the meeting by listing the proposed conditions.

1. Failure to comply with all conditions stated herein, and all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. The order does not grant any property rights, or any exclusive privileges; does not authorize any injury to private property or invasion of private rights.
3. This order does not relieve the permittee or any other person of necessity of complying with applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this order unless either of the following apply:
 - a. The work is a maintenance dredging projects as provided for in the Act; or
 - b. The time for completion has been extended to specified date more than three years, but less than five years, from the date of issuance. If this order is intended to be valid for more than three years, the extension date and the special

circumstances warranting the extended time-period are set forth as a special condition order.

5. The order may be extended by issuing authority for one or more periods up to three years each upon application prior to the expiration date of the order
6. If this order constitutes an amended order of conditions, this amended order of conditions does not exceed the issuance date from the original file on order of conditions.
7. Any fill used in connection within the project will be clean fill. Any fill shall contain no trash, rubbish, debris including but not limiting it to lumber, brick, plaster, wire, paper, cardboard refrigerators, motor vehicles, any parts.
8. This order is not final until the administrative appeal period from this order has elapsed, or if such an appeal has been taken, until all proceedings before the department have been completed.
9. No work shall be undertaken until the order has become finalized and has been recorded with the register of deeds or the land of court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the registry's grantor index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the final order shall also be noted on the land court certificate of title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the conservation Commission on the form at the end of this order, which form must be stamped by the registry of deed, prior to the commencement of work.
10. A sign must be on sight no less than two square feet no more than three square feet bearing the words "Massachusetts department of environmental protection".
11. Where the of Department of Environmental protection is requested to issue a superseding order, the conservation commission shall be a party to all agency proceeding and hearing before Mass DEP.
12. Upon completion of work described herein, the applicant shall submit a request for a certificate of compliance (WPA Form 8A) to the conservation commission.
13. The work shall conform with the plans and special condition within in this order

14. Any changes in the plan identified in #13 or above shall require the applicant to inquire of the conservation commission in writing whether the change is significant enough to require the filing of a new notice of intent.
15. The agent or member of the Conservation Commission or Department of Environmental protection shall have the right to enter and inspect the area subject to this order at reasonable hours to evaluate compliance with the conditions stated in this order and may require the submittal of any data deemed necessary by the Conservation commission or Department of Environmental Protection for that evaluation.
16. The order of conditions shall apply to any successor in control or successor in control of property subject to this order or any contractor or other person performing work conditioned by this order.
17. Prior to the Start of work and if the project involves work adjacent to the bordering vegetation wetlands, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetlands boundary markers shall be maintained until a certificate of compliance has been issued by the conservation commission.
18. All sedimentation barriers must be in good shape and maintained in all areas until all disturbed areas have been stabilized with vegetation or other means. At no time should settlement be deposited in a wetland or a water body. During construction, the applicant or his/her designee shall immediately inspect the erosion controls daily and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the conservation commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this order is not subject to the Massachusetts stormwater standards. If the work is subject to stormwater standards. Then the project is subject to the following conditions.

- A. All work includes site preparation, land disturbance, construction and/or redevelopment shall be implemented in accordance with the construction period pollution prevention plan and erosion and settlement control plan and if applicable, the stormwater pollution plan required by the national pollutant discharge elimination system construct general permit as required by storm water standard 8. Construction period erosion, sedimentation and pollution control measures and best management practice remain in place until the site is fully stable.
- B. No storm water runoff may be discharged to the post-construction stormwaters BMP'S unless and until a registered professional engineer provides a certificate. All construction periods BMP have been removed and will be removed by the dates certified on the certification for the construction period. BMPS intend to be converted to post construction operation of storm water attenuation recharge and or treatment. BMPS shall be properly cleaned or prepared for post construction including removal of all construction periods settlement trapped in the inlet and outlet control structures. As built final construction BMP plans are included signed stamped by professional engineer certified in the sight fully stabilized. Any discharge to the storm management system is removed as per requirement of the storm water standard 10. All post construction BMPS are installed in accordance with the plan including all planting plans, approved by the issuing authority and have been inspected to ensure that they have not been damaged and in proper working conditions any vegetation BMPS is to suitably withstand erosion.
- C. The landowner is responsible for the BMP maintenance until the authority is notified that any party has legally assumed responsibility for the BMP maintenance. Prior to requesting a certificate of compliance or partial certificate of compliance the responsible party execute and submit to the issuing authority and operation and maintenance compliance statement for the stormwater BMPS identifying the party responsible for implementing the storm waters BMP operation and maintenance plan under the general conditions of 19C.
Certify the following:
1. O&M plan is complete and implemented on a certificate of compliance
 2. Future party will be notified in writing on the ongoing legal ability to maintain storm water BMP & implement storm water pollution prevention plan.
- D. Post Construction pollution prevention source control shall be implemented in accordance with long-term prevention plan section of the approved stormwater pollution prevention plan required by national pollutant discharge elimination systems multi-sector general permit.

- E. Unless and until another party accepts responsibility, the landowner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of the conditions. Any Failure of the proposed responsible party to implement the requirement of conditions through with the respect to that BMP shall be a violation of the order of conditions or certificate of compliance. In case of stormwater BMPS that are waiting to serve more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPS. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legal binding agreement.
- F. The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M plan, and the requirements of the stormwater handbook.
- G. The responsible party shall:
1. Maintain an operation and maintenance log for the last three consecutive calendar years of inspections, repair, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal.
 2. Make a maintenance log available to MassDEP and the conservation commission upon request.
 3. Allow members and agents of the MassDEP and the conservation commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M plan approved by the issuing authority.
- H. All settlement or other containments removed from the stormwater BMP shall be disposed of in accordance with applicable federal, state, and local laws and regulations.
- I. Illicit discharges to the stormwater management system defined in 310 CMR 10.4 are prohibited.
- J. The stormwater management system approved in the order of conditions shall not be changed without the prior written approval of the issuing authority.
- K. Areas designed as qualifying previous areas for the purpose of low impact site design credit shall not be altered without the prior written approval of the issuing authority.

- L. Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

SPECIAL CONDITIONS

This order of conditions is issued for five years from the date of issuance. If additional time is needed to complete an extension may be granted for up to three additional years, as allowed under the state standards.

The applicant has identified 76 housing units with subsurface sewerage disposal system, stormwater infrastructure, utilities, and associated work within the 100-foot buffer zone and will disturb areas up to the edge of the wetlands resource area will disturb and isolated wetland for a roadway access. The applicant has agreed to work with the conservation commission to ensure the best protection for the wetlands. This includes the fees for a peer reviewer for the wetland's health, mitigation and any replication that may need required. Appendix a list the individual properties identifier.

The applicant shall work with the commission's peer reviewer to develop and finalize the report of health of the wetlands, identify all invasive plants within the wetlands and buffer zone, a plan to eradicate invasion that will not cause additional harm to the wetlands, review and develop plantings for the wetlands and buffer zone to mitigate disturbance and construction of structures within the buffer zone and determine the amount and type of replication that may be required. In addition, the peer reviewer shall perform field inspections to ensure of limits and proper procedures are being used.

The proposed construction includes disturbance within 0-25 feet of the resource boundary area; in these areas in particular no equipment, personnel, storage, or materials shall be within this zone; if this cannot be achieved the contractor shall do all excavation, fill and construction of structures from upland area; working from the limits near the resource area up slope.

This order includes all conditions and requirements established in the decision of application for comprehensive permit application MGL chapter 40B, sections 20-23, as approved by the Avon Zoning board of appeals date September 15, 2020 and as filed with the Norfolk Registry of deeds for this property. Phasing of the project defines the type/ style of housing units not actual construction phasing, though the applicant wants to get the stormwater, sub-grades, water and draining completed first, the work from the furthest building to the closest of the entrance to Joanna road. The retention basin in phase three will be constructed with phase three.

The project superintendent for the general contractor shall initial each condition and sign the cover of the OOC stating the general contractor understands and will comply with each condition in this order. The initial and signed OOC shall be submitted to the commission before the start of any construction. Avon standard for erosion control is silt fence not dug in, but flat lay on the ground and staking silt sock on top 6" silt sock, erosion controls are to remain until the disturbed areas have been stabilized.

Erosion control may not be installed at the same time, the contractor shall contact the commission 48 hours prior to installation, removing or relocating any erosion controls, so the commission can inspect. The plans indicate a truck track near the entrance; this shall be maintained throughout the project to ensure no debris falls into the street the applicant has proposed a schedule of sweeping the streets to ensure clean roadways, if the schedule does not keep up with debris, the schedule will need to be updated. Anything that falls onto the street is to be picked up immediately.

Photographs of the project shall be taken prior to work, during the main construction, and after the work has been completed. For the order of conditions, the applicant shall supply a copy of the photographs with their request for each partial or full certificate of compliance request. The certificate of compliance shall be requested as soon as practical after a work area is complete, and the undisturbed areas have settled.

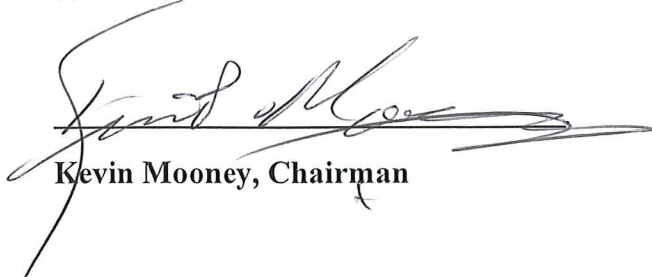
Mr. Mooney opened for discussion asking the applicant of any comments. Mr. Muhammad M. Itani is representing Joanna Hill Estates had no comments, further opening the discussion to the board. The Commission agreed that they did not feel as if anything was left out along with Ms. Sterns. A motion was made by Mr. Mekjian the motion seconded by Mr. Costa for the development of 76 housing units and septic drainage and stormwater in accordance with the conditions for Joanna Hills Estates. Roll call: Mr. Mooney voted aye, Mr. Mekjian voted aye, Mr. Costa voted aye. Motion carries.

Mr. Mooney moved the Antone Road hearing to January 14th, 2021 at 7:00 P.M.

4, 8, 10 KATHRINES WAY

Mr. Mooney had a discussion with Mr. Self regarding the propane tank 4 Katherines Way. Mr. Self had previously submitted progress to the Commission for review. The Commission also discussed 8 and 10 Katherines Way regarding the rock wall, mitigation, and the conditions. Mr. Mooney discussed what Storm water conditions contain. Mr. Self discussed replacing damaged and dead plants before the inspection in the spring. A motion was made by Mr. Mekjian the motion seconded by Mr. Mooney for the continuance of the current conditions for 10 Katherines Way. Mr. Mooney voted aye, Mr. Mekjian voted aye, Mr. Costa voted abstained. Motion carries.

Mr. Mekjian Seconded by Mr. Costa to close the hearing. Roll call: Mr. Mooney voted aye; Mr. Mekjian voted aye. Motion carries. Next meeting scheduled on Thursday, January 14th, 2021 at 7:00 PM.



Kevin Mooney, Chairman

