##### Town of West Bridgewater

**CONSERVATION COMMISSION**

**Town Hall Conference Room, 1st Floor**

**65 North Main Street**

**23 January 2014**

**Draft Minutes**

**6:45 PM** Chairman Tim Hay (TH) called the meeting to order with Commissioners Moe McCarthy (MM), and Commissioner Lee Anderson (LA). Conservation Agent John DeLano (JD) was also present.

**Order of business:**

**Issuance of a Partial Certificate of Compliance:**

**Kenneth Street Extension, Lot 27 and Lot 28, Also known as #1 Kenneth Street**. NOI (SE 328 - 629) New single family

house construction, driveway, septic system and associated site grading.

JD presented photos of the site during construction and at the time of his inspection for the partial certification. He also presented information about the deficiencies and what has been done to correct them. See the attached Agent’s Remarks from the Meeting Report for details and recommendations.

🟋MM / LA motioned to issue the Partial Certificate of Compliance with the conditions noted in the Agent’s recommendations. The Commission so voted.

🟋 MM/LA motioned to authorize the Chairman, TH, to sign the Conservation Easement on behalf of the Commission.

The Commission so voted.

**Administrative discussions:**

There being no other business TH asked for a motion to adjourn.

🟋LA/MM motioned to adjourn and the Commission so voted.

Meeting Adjourned at 7:10 P.M.

Respectfully submitted,

John W. DeLano, Conservation Agent

AGENTS’S REMARKS FROM MEETING REPORT::

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| **Item #1: DEP # 328-629 – Partial COC Request – Kenneth St Ext., Lots 27 & 28, AKA #1 Kenneth St. – New House construction, Septic and Associated Site Development** |
| This project received an Order of Conditions (OOC) from the Commission and the house was built and the applicant is looking for a Partial Certificate of Compliance (COC) from the Commission. During my inspection, I discovered a substantial amount of problems and unfinished work with the project. Please see the below items that are cut and pasted from my correspondence with the engineer:  Date: 1-20-2014  George,  I inspected the site today.  This is a new construction project and this type of project is more critical in the requirements for a COC than a septic repair project.  Based on my review of the file prior to visiting the site and after seeing the site, I will have a difficult time recommending to the Commission that they should issue a Partial Certificate for this project.  Substantial paper work required by the Order of Conditions needs to be caught up to date that should have been completed **before** construction.  Temporary site stabilization will need to be done to prevent continued wash-outs that have occurred.  The attached pictures will show the reason for the needed temporary surface protection for this site.  The temporary stabilization needs to be able to last until Spring and the growing season when loam and seed can be spread.  You should talk to Tom Snell about what various things that can be done for temporary surface stabilization.  I would recommend as a minimum temporary measure, a thick blanket of straw mulch to be laid down over the entire surface.  The mulch will need some gluing agent sprayed on to it to hold it together from blowing away.  I would have to inspect it prior to signing off on it.  There are other similar products that can accomplish this task.    I have attached a pdf with the documents that concern me.  They are as follows:     1.    The Special Conditions (SC) contained in the overall Order of Conditions (OOC) (2 pgs)     2.    The signed Order of Conditions Affidavit      3.    Portions of the Asbuilt (2 pgs)     4.    Portion of WPA Form 8A, section A6.     5.    CEG Group, Inc. Letter dated 1-9-2014    My issues with the above:      1.     SC #8: No ECB Certification; SC#9: See pics; SC# 10: I have nothing in the file; SC#11{b}: check requirements for the asbuilt and make sure they are on the plan; SC#11{c}: I have no Engineers's Certification; SC{#11{d}: No notarized, signed affidavit from the buyer confirming in accordance with the SC; SC#13: I have nothing in the file; SC#15: not done; SC#16: I need the Conservation Easement exhibit plan; SC#17: not done; SC#18: not done; and SC#19: no certification.      2.    The Applicant acknowledged his understanding of the OOC      3.    See SC#11{b} above      4.    The WPA Form 8A requires a Certification of substantial compliance be included      5.    The CEG letter does not certify anything as required by the WPA Form 8A and SC #11{c}            Please inform your client that the Partial will not be issued until such time as the above items are addressed to the satisfaction of the Commission.  I believe that the paperwork items can be completed today and tomorrow.  I believe it is possible that the temporary mulch can be completed before the closing as long as it's not to soon from now.  If so, the Con Com could sign it and I can hold it until the paperwork and the temporary stabilization is done.  Lastly, if the Commission is to issue a partial, the Commission must be able to enter into an agreement with the Bank's attorney or whomever will hold the escrow account for completion of the landscaping.  The agreement will need to have built into it a binding requirement for the Commission to be party to any release of the escrow funds.    You or one of your staff must be prepared to come to the meeting to convince the Commission to their satisfaction that this can be done.    I hope this assists you and your client in the completion of the this phase of the project.    John W. DeLano  Conservation Agent  508-824-6609 (Today) or  508-894-4073 during my regular office hours  Since the time I sent the above, the asbuilt has been corrected, the engineer’s certification has been received, a written plan has been received for correcting the erosion problem, a written plan for monitoring the site during the winter has been received, a notarized conservation easement (CE) was signed by the applicant and received, arrangements for receiving a signed buyer’s affidavit certifying to their understanding of the Restricted Area on their lot were made, arrangements for receiving an escrow agreement making the Commission a party to any release of the escrow being held for completion of the OOC requirements were made and more substantial Erosion Control devices are to be installed late this week or early next week. Based on the above I feel that if the Commission votes to issue a Partial COC, I can hold the document until such time as the Buyer’s affidavits is received, the Escrow Agreement is received and the additional ECBs are installed. If these items are not provided or done, the Partial COC will not be released until I am satisfied.  **RECOMMENDATION: Motion to issue the partial COC. Motion to approve Tim Hay signing the CE.** |
| **End of Report** |
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