

SPECIAL INLAND/WETLANDS MEETING TOWN OF VOLUNTOWN

March 22, 2012.

Members present were Lester Davis, David Miner, John Moran, Jarl Pellinen and Eric Williams. Wetlands Enforcement Officer Joseph Theroux was also present.

Tom Hoffa and John Sciremano were in attendance.

Eric Williams opened the meeting at 7:35 p.m. He explained that this was a show cause hearing on property at 774 Pendleton Hill Road and Joe will explain to the Board the reason behind the cease and desist order.

Joe passed around pictures that he took of the site. The violations were: 1, disturbance of the wetlands, 2, failure to put up any erosion control such as hay bales, and 3, failure to notify him or the Commission of work being done in a regulated area. He explained that there is stone removal going on at the site which was once a farm dump and over the years, it became covered up with stones from the fields. In the process of pulling the stones out of the dump, they got down into the edge of the wetlands and the stream. He issued a cease and desist order on the property and met with Mr. Hoffa who is the contractor that's doing the work and explained to him that he needed to stop. Mr. Hoffa was informed that he needed to put staked hay bales around the perimeter of the disturbed area, which he has done. Because this is a show cause hearing, Mr. Hoffa can be present to explain what he was doing and if whether or not he feels that this is a violation or not. The Board needs to decide whether to continue the cease and desist order, or if the board feels that Joe is wrong, they can lift the cease and desist order and let Mr. Hoffa continue lifting stone from the site. A third option is to modify the cease and desist order. A modification would be to allow Mr. Hoffa the right to remediate the site, and at that point an application could be accepted for the contractor to continue the stone removal which would include a site plan and a regular permit. Joe stated that he was concerned about the way the site slopes down, and due to the close proximity of where the work is going on, if there was any significant rainfall, whatever is in the dump and all the sediment will be washed down into the stream. John Scicemano, who is representing Mr. Hoffa, spoke. He agreed with Joe in that there is an incline going down towards the brook, and it should not have been violated. He stated that it was a mistake on the parties involved and he would like to have a verbal agreement from the Board to allow them to stabilize the bank that goes down to the wetlands. The garbage that was dug up has been removed and hay bales have been put in place. They will remove the stones and put in clean fill and have Joe come in for another inspection. Eric asked if there were any questions. Lester wanted to make it clear for the record that the site was not just a farm dump but that it was also a Town dump, so during the excavation, they will be running into garbage. Mr. Sciremano stated that as they go along and come across any unsuitable material, it will be discarded accordingly. Jarl asked how much more is anticipated to go out of the site, and Mr. Sciremano explained that there are a lot of round stones and stones mixed with dirt, so it would be hard to determine. Eric asked how large an area it was. Mr. Sciremano was not

quite sure but he determined that it was maybe 3/4 of acre to an acre, and Joe and Lester felt that it was about 1 acre. Dave stated that most of the stones came from the fields at Gallup's Farm and they are only about 3 or 4 feet deep into the ground. Lester asked Mr. Sciremano if he was correct in thinking that his proposal would be to create a 3 to 1 slope along the road surface facing the site of excavation and stabilize it and seed it. Mr. Sciremano agreed that it is what he would like to do. Dave asked him what they were going to do with the garbage that comes up during the excavation. Mr. Sciremano stated that they would put it in a pile by the driveway and a truck would come and pick it up. Mr. Sciremano explained that Mr. Hoffa's company is a fairly new business and he was not aware of any wrong doing. Joe stated that he agreed with what Mr. Sciremano has said, but he needs to make an application. Joe thought that the cease & desist order should remain or be modified to allow them to do their remediation work. They need to draw an accurate site plan with a scale on it with what they are doing and where they are doing it. The plan needs to show that there will be a 3 to 1 slope, that there will be clean top soil that's capable of growing vegetation, and that it will be put down over the exposed area of garbage and seeded and mulched. The Board then has to decide what they will allow them to do, such as how close to the wetlands they can go to pull the stone out. He advised Mr. Sciremano on what needs to be done as far as submitting an application and site plan, and told him that it will be better to have an application and site plan on file than to do it verbally. John asked if as they dig down and pull the stones out and expose the garbage, are they going to keep digging or are they going to cover the area. Joe replied that they should not continue pulling stone out because the less the area is disturbed the better. The small amount of garbage that is on the surface should be hand picked and taken out, throw the topsoil on and leave it alone. Lester mentioned that a performance bond would be a good idea and he feels that no more work should be done until an application is presented. Lester would like to see an earth berm put on the site plan also. Mr. Sciremano agreed to submit a site plan to Joe and will come to the next meeting in April. More discussion took place. In the matter of the performance bond, Joe suggested that it be based on the site itself and the commission should go out and look at the site. Jarl made a motion to continue the cease & desist order until the April 5th meeting, when a site plan and application is presented and following an inspection by the commission. Lester seconded the motion, all were in favor. There was more discussion on the bond issue. A \$10,000 bond was mentioned, and Joe stated that a cash bond is the best way to go.

Executive Session: John made a motion to move the meeting to an executive session. All were in favor, so moved. The Board went into executive session at 8:35 p.m. At 8:43 p.m. the Board came out of executive session.

Joe mentioned to the Board that he will send a certified letter to Mr. Hoffa informing him of the results of the show cause hearing.

John made a motion to adjourn, Eric seconded it, all in favor. Meeting was adjourned at 8:45 p.m.

Respectively submitted: Eric Williams, Acting Chairman