

The hearing for NOI for Jerry Brodmerkle on Whitney Road was opened at 8:00pm on 1-18-2017 with Roberta Flashman, Cathy Kristofferson and Bob Leary in attendance. Tim Bauman recused himself.

DEP# 93-358

Derek Saari, Land Use Consultant, appeared representing Mr. Brodmerkle, who was also in attendance. A sign in sheet was used to capture all those in attendance at the meeting.

Mr. Saari was informed that the NOI was deemed incomplete. He was offered the option of taking back the NOI and making it complete and setting a new date for a hearing or proceeding with a hearing with the understanding that it might result in a denial. Mr. Saari chose to proceed with the hearing.

The NOI was received on Jan 9, 2017.

An abutter, Ms McElwain, contracted for a peer review to be done on the project. This was performed by Christopher Environmental, 252 Fort Pond Inn Rd, Lancaster, MA and submitted to the Commission on Jan 17, 2017.

The applicant did not conform to the requirement for the NOI being submitted before proceeding on the work.

Denise Childs conducted a site walk on 10/14/16. This was in response to an Enforcement Order issued by the Commission that the applicant chose to ignore. She asked that the Commission not join her on that site visit. Denise spoke with Roberta in early November summarizing the site visit and suggesting that the Commission receive an NOI from the applicant for the now completed project.

Jerry Brodmerkle worked on the road for 12 hours but did not install siltation barriers.

Fieldstone did a full survey to find where the Right of Way for the road was located.

The applicant widened the road within the ROW. He disturbed or filled 1800sq ft of buffer zone. It was left unclear whether this buffer zone was to a wetland on the south side of the road or the north side of the road. The only wetland line on the plan was show for the south side of the road.

Last revision date for the plan is Dec 30, 2016

Mr. Saari stated that no work was performed on the culvert to lengthen it. That being the case, one can only presume that since the driveway was widened beyond the end of the culvert on both sides of the driveway, that the culvert was covered, rendering it non-functional.

Since the wetland abutted the south side of the driveway, and the driveway was widened on the south and north sides, wetland was filled on the south side. Mr. Saari showed pictures of debris removed from the wetlands. It was unclear if this debris had been removed from the north or south side of the driveway.

The Commission at no time during this project issued any permission to cut trees, since it was unclear on whose property those trees were located.

Hearing closed at 8:50

Discussion of the NOI to be done outside of the hearing.