

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, December 5, 2002

6:00 P.M. Open Meeting - Quorum check

J. Hoffman, D. Barnicle, E. Goodwin, D. Mitchell, J. Michalek

6:00 PM

Public Meeting – **J. Malloy to discuss the Commission's hired staff needs and job description.**

J. Hoffman opened the meeting, present was J. Malloy

J. Hoffman summarized the Commissions discussions over the past several months. In the past D. Szumilas had been locally available at almost all times and had made his expertise and knowledge available to the Commission. He had conducted most of the weekday site visits and handled sudden unexpected issues. When he left, N. Ryder took over most of the work D. Szumilas had been doing. In the process, the job migrated from an office/clerk position to that of an administrative agent. He stated that the current job description, on paper, does not reflect what the SCC has, and needs at this time. If the current staff had to be replaced, the Commission would face a significant loss as the actual job needs have evolved substantially over the past 5-10 years. The situation needs to be resolved.

J. Malloy asked if the Commission had any information on job descriptions and needs in other towns. The Commission went through a list of towns ranging across the state. There did not appear to be any one consistent trend. The job description for each town appeared to be based primarily on how that town viewed protection of the environment.

D. Mitchell noted that the job has become a more sophisticated role. He noted that N. Ryder gathers and filters data, in addition to the existing clerical roles. The job has become more demanding as the town evolves. The town is at the point of gathering momentum in growth. He noted that there was also a much higher demand for interaction with other boards and for data review. The complexity of projects before the Commission has increased as the land used becomes more marginal and projects move closer to resource areas. He noted that the SCC would be hard pressed if it did not have this interaction.

J. Hoffman agreed that the information was becoming more technical, N. Ryder sifts through all applications and identifies and isolates data that needs more review. A clerk would not do that. The SCC and J. Malloy discussed various employee options including two part time positions, one position that covered all aspects but with longer hours, the use of a field inspector and a clerk. And various time needs. J. Michalek stated that it was more efficient for 1 person to do all the work, without someone to see the overall process and to preview work that came before the Commission they would likely be at meetings until 3 AM. J. Hoffman agreed and noted that the Commission would not be a service to the town if did not have what was available at the present time.

D. Barnicle stated that the SCC had not actually discussed hours, they had focused on job description. If N. Ryder left, the SCC could not want to go back to clerical help, the assistance given is critical. To have someone hired based on the current job description would be leaving a gaping hole.

J. Malloy noted that the Town does not usually take quantum leaps. He was concerned about the town approving the use of the title Conservation Agent. He felt it might send up a red flag and imply

large cost increases. That would not necessarily pass town meeting. He noted that was how the personnel committee had come up with the title of Administrative Assistant. N. Ryder noted that the title did not really matter as long as the job description and the expectations for a new employee were clearly written and adequate. The SCC disagreed and noted that the title should reflect what was being asked of a potential employee.

J. Malloy asked if an SCC member would attend the upcoming Personal Committee meeting on 12/18 @ 7:00 in town hall. He noted that if the personnel committee oks the change, the BOS would likely also. J. Hoffman will attend the meeting.

J. Malloy and the SCC discussed the wording of the job description at length and noted that there were several items that needed to be included that were not currently. J. Malloy requested a revised description by the middle of the week and he would get it to the personnel committee. Please see the current job description proposal in the SCC office for details. There was no agreement on title but the SCC agreed that J. Hoffman and J. Malloy could be work that out with the personnel committee. D. Mitchell stated that the term should be wide enough to accommodate a wide range of initial skills.

J. Malloy asked what the current need for hours is and what was happening and changing now in terms of knowledge and submittals. The SCC reviewed the changes in projects and numbers of types of projects as well as the many recent changes and additions in DEP regulations and programs. It was noted that if DEP cut back the services which they had been supporting towns with, each town would need to take up the slack on its own. D. Barnicle noted that the town had been paying for a clerk but having the services of an agent for quite a while. E. Goodwin stated that in the past the Commission had winter months where they had little to do. This time was used as catch up time. Now the projects just keep coming. J. Malloy agreed that Sturbridge has gone from small town to the size where there is no down time anymore. He noted that his department as well as the others were all feeling the same pressure.

D. Barnicle noted that when he started, the majority of projects had been simple to review, all the easy land to build was consumed, and they were now seeing building on every inch of land considered possible for development. He used the example of the huge swamp behind Ames. Five years ago no one would have even looked at it, today 70 homes are proposed. In addition to the difficult initial review, these sites require regular inspections. D. Mitchell agreed that there were more demanding conditions and more maintaining, more overlapping requirements. J. Michalek noted that with all the large subdivisions there is also a lot open space, the SCC holds the conservation restrictions for many of these properties, and has to monitor them in addition to other work. He noted that as the land became more marginal, the techniques became more complicated. E. Goodwin agreed and noted that Sturbridge had a large number of wetlands. D. Barnicle stated that most applications in the last year have had at least one wetland scientist as a regular part of the team. Two years ago most projects had none; this is a result of more complicated issues.

D. Barnicle stated that the town was currently offering low pay, tons of hours, and no benefits. The SCC discussed the need for additional hours. The need for the current fiscal year was discussed, there is a need for additional hours to meet this years needs. J. Malloy requested that they talk about hours needed and get it to him early next week for finance committee review for special town meeting.

J. Malloy stated that the SCC and the BI both need assistance with inspections. There is not enough time to do it all, and corners get cut. The use of the BI or a joint inspector for BI, BoH, and SCC was discussed. The SCC unanimously agreed that the issues were all very different. Someone

inspecting for structure was not likely to be qualified or trained to handle environmental or wetland issues at the same level of expertise.

MINUTES

The minutes of November 5th and 21st were tabled to 12/19.

Upcoming meetings include 12/19 and 1/9 to conduct commission business only. The SCC needs to catch up on non-public hearing related items. 1/16, 2/6 and 2/27 all for public hearings, and SCC business if time.

CPA UPDATE, E. GOODWIN

E. Goodwin noted that the committee had correspondence with T. Jones; he would send the minutes of that meeting to the SCC for review.

The neighbors of the Farquhar Road property had petitioned the CPAC to purchase the land.

The Committee is looking at 270 acres of land owned by Plimpton.

D. Barnicle asked if CPAC was focused on any one project or property. E. Goodwin noted that they were not really focused right now. There is too much money being requested for parcels or the land is not available. D. Barnicle asked if CPAC would be ready for town meeting with a proposal. E. Goodwin said not likely, there were no good options at the moment. He noted that open space was a concern but there were no good buys before the committee. The other categories included housing, but there was no housing authority and currently the town was facing a housing boom with potential for submittal of one or two affordable housing projects.

E. Goodwin will send new information to the SCC before the meeting on the 19th. An agenda item for the 19th will be the public push for CR's in subdivisions.

E. Goodwin asked the SCC to think of potential land projects for CPAC to consider.

CORRESPONDENCE

Correspondence was reviewed.

DISCUSSION OF NEW INFORMATION

The SCC discussed the DEP letter regarding the Mass Turnpike park and ride. DEP is requiring information from Mass Turnpike in regards to wetland protection. They reviewed and summarized the hearing and letter and noted the biggest issue was going to be DEP's determination of whether or not the stream was perennial. The SCC discussed options. D. Barnicle asked why not test soils for formal determination. D. Mitchell noted that the difference between hydric intermittent wetland soils vs. hydric perennial soils may not be distinguishable. The SCC will wait for a response from Mass Turnpike.

The SCC discussed the letter J. Malloy had submitted asking if the town should preserve land offered as a donation by the owner at 77 Fairview Park Road. Please see the submitted letter for complete details regarding the discussion on this land. The SCC agreed the town should accept the land offered with a conservation restriction, as it possess canopy, percolation potential and a wooded oasis in an otherwise heavily developed area. The land should be transferred to either DPW as a location to direct treated storm water, or to SCC as conservation land. While public access should be allowed, it should not be promoted or encouraged. No public hearing will be posted unless the BOH votes to transfer the land to SCC as conservation land.

Review of site visits, scheduled at previous meeting

Continuations of previous hearings for closure, review of final submitted documentation and other action

Nol cont.– Brett Soper for 10 Whittemore Road for Swimming Pool installation. – No show. The hearing is tabled indefinitely. If B. Soper submits the final plan, the hearing will be reposted.

MINOR WALK IN REQUESTS

S. Sanderson for 74 Paradise Lane attended to discuss new revised plans. He discussed a possible change in the location of the catch basin. D. Mitchell stated that it was within the 25' no touch buffer. J. Hoffman noted that it was a previously disturbed area within the 25' buffer. E. Goodwin said he needed to know why it was being moved and if there is a better spot. J. Hoffman and D. Mitchell noted that the SCC should have more questions in the current location. E. Goodwin and D. Barnicle felt the system could be moved outside the 25'. J. Michalek noted that it still is a disturbed area and shouldn't matter. He noted that M. Farrell would be at the meeting at the end of the evening. He asked the SCC to check with M. Farrell then.

.... On later questioning, M. Farrell said the tank location is below the basement so elevation created no real problem in moving. The only issue he had was that it would create a jog in the pipe.

D. Barnicle asked where the well was shown. M. Farrell said the well was already put in, as he was not sure of the exact location he did not include it on that set of plans.

Formal plans will be submitted on 12/19 at 7:30 as a walk in.

G. Valiton for Andrews Survey for 446 Main for D. Ying for parking lot amendment due to PB request

No applicant attended the meeting; the plan was submitted in advance. The SCC reviewed the plans submitted. The expansion area was not clear. They asked N. Ryder to have G. Valiton come in for 7:30 on 12/19 also. J. Hoffman stated that the no disturb line had not changed, since there was nothing beyond that there should be no issue. D. Barnicle stated that the change requires re-aligning the swale. J. Michalek and D. Mitchell noted that the change requires work that is closer to the wetland; the SCC should be clear on what is proposed. J. Michalek agreed that while there is nothing within the 25', the changes were still closer wetlands with additional impervious surface. J. Hoffman noted that 25' was the required limit of disturbance, that has not changed. E. Goodwin noted that he needed clarification and further exploration. He noted that the SCC did not want to approve something that they were not completely clear on.

The SCC discussed the plan further.

D. Barnicle noted that there was no engineering of the swale, no pre/post testing. The swale was not designed for the project it was placed in a default position, that was now being changed, review was needed. J. Michalek noted that it never was a water quality swale, it was a drainage swale. E. Goodwin noted that having cars this close to the swale may be a greater impact even though the 25 feet is still being met.

J. Hoffman asked the SCC to list exactly what they wanted G. Valiton to explain so they were not wasting his time. He noted that it was not an engineered but that was not the original issue. It was called a water quality swale. E. Goodwin and D. Mitchell agreed that it was a swale and they were not expecting treatment, only drainage control, with check dams. The SCC needed to make sure the same level of control would be obtained, as it was minimal to begin with.

Issues to be addressed are if the swale is straightened will it still provide the same or better level of control. Will the existing slabs still be taken out? There is no erosion control shown during removal. Plans for erosion control need to be shown clearly during the removal of the concrete as well as during the actual project. G. Valiton should stake the new proposed edge for a site visit on the 15th at 8:00. If he cannot attend the site visit he should come in for the meeting on the 19th.

Ron Caron for work within the buffer to a wetland at 269 Cedar Street

D. Barnicle and J. Michalek noted that they had taken a site visit to the location based on violation complaint. They noted that work had been done within 150 feet of a wetland and asked R. Caron to explain. R. Caron noted that he had bought the property and wanted to build a farm. He was having perc tests done and clearing some trees. He noted that he did not realize he was within 200 feet of wetlands. He will file an RDA. L. Jalbert will create the site plan. J. Michalek noted that a majority of the property was dry and was out of jurisdiction. He noted the 3 areas that are jurisdictional are on the property edges. Some work is within 150' of wetlands

D. Barnicle asked what the trench on the backside of the property was for. R. Caron said it was originally a perc hole that went a little out of control. B. Caron stated that they kept hitting ledge which would not perc. They abandoned the 10 foot deep hole without filling it in. They were going to go back to fill it.

PUBLIC HEARING –NoI – Gary and Pat Jeznach for addition to a single family home and related at 12 Cedar Lake Drive.

J. Hoffman opened the public hearing, present were Gary and Pat Jeznach and Paul Geary.

The SCC reviewed the plan, including erosion control, location, and slope. J. Hoffman asked if the addition was to be excavated or on grade. G. Jeznach said it would be wood frame on a slab foundation. D. Barnicle said he needed to take a site visit.

J. Hoffman asked if there were any additional questions at this time.

D. Mitchell asked if the dormer was proposed only on the second floor. G. Jeznach said it was with 1 or 2 windows on each side.

The SCC will take a site visit if everything is as shown on the plan there should be no problem.

D. Barnicle confirmed that there would be no changes along the waterfront. Confirmed. A site visit is scheduled for... The public hearing is continued to 1/16 at 7:30.

PUBLIC HEARING – RDA cont. – Green Hill Engineering for a stream reclassification at 388 New Boston Road.

J. Hoffman opened the hearing, present was M. Farrell. He requested a continuation to January 16 at 8:10. Done

PUBLIC HEARING – NoI – Brian Caron for single family home and related at 124 Clark Road.

J. Hoffman opened the public hearing, present were B. Caron and C. Rizzy.

J. Hoffman asked if the site plan had been submitted to the state for review. B. Caron said no but he would send it. J. Hoffman ran through the checklist and noted that several items relating to buffers, wetland boundaries and erosion control were missing from the submitted plan. B. Caron said he had them included on the revised plan and submitted it to the SCC.

B. Caron outlined the proposed plan, which included building the home in front of the wetland in order to avoid crossing the wetland with a driveway. He noted that lines would be placed so that the septic could be pumped in back. D. Barnicle confirmed that the driveway would be located where the existing tailing piles are. The home will start 30' from the road, and will have a small lawn in front

D. Barnicle questioned the 2" pressure line as proposed, 48" deep. He asked how it was to be installed. B. Caron said he would dig the trench, fill with sand, and then back fill. He expected it to be a one-day operation and noted it would be conducted in the driest season. J. Michalek asked what type wetland was there. D. Barnicle said primarily soft squishy small hummocks. He noted that it was parallel to the replication area on Rizzy's. D. Barnicle noted that it was one replication area that was actually working well. As it is connected to the same wetland he asked that any plans be reviewed carefully to maintain this connection.

J. Michalek asked for the distance of disturbance from the property boundaries. B. Caron outlined these. He noted that the project was 25' from the roadway and asked where the pipe would go through the wetland. D. Barnicle and B. Caron discussed the crossing for the pipe. D. Barnicle expressed concern at the lack of a backyard; he noted that the owners would likely use the wetland for the backyard. B. Caron agreed but noted that the alternate would be to cross the wetland, which the SCC did not want. D. Barnicle stated that the best alternative was to do nothing with the land.

D. Barnicle stated that with the proposal before the commission, the main concern was with digging through a wetland, 4' deep, and the resulting ability of the soil to hold up during the process. He noted that on the property the soils 8" below the road were saturated. B. Caron noted that in a worse case, the line could be shot through from underneath. D. Barnicle confirmed that this meant that B. Caron could bore through the wetland with the pipe without disturbing the majority of soils. D. Barnicle noted that he had not heard of that being done. B. Caron noted that for the drive on Wallace near the ACE land on the corner; a line had been shot under the stream. E. Goodwin asked when and by whom. B. Caron said he had done it about 3 years ago. The lot was two houses before B. Soper's on the corner. E. Goodwin noted that he did not remember approving such a project.

C. Rizzy asked what would happen when the hole gets dug. He was concerned about the wetlands and his replication area being drained. B. Caron said all the work would be done within one week; it

would not drain the water. D. Barnicle noted that he had heard it would take one day. C. Rizzy said the project called for digging 8' down; he noted that was a cellar hole. B. Caron noted that the code said it had to be 4' below ground. D. Barnicle confirmed that was 8' below the Clarke Road grade. B. Caron agreed and noted that it was dry out there now. If the work was done during the dry season it would not fill with water. J. Hoffman noted that he had a septic put in during the dry season and it still filled with water. C. Rizzy noted that his cellar hole had been dug further back and uphill, it still filled with water. He had to dig a trench to drain it. B. Caron said maybe 6"-12" of water, yes, but the hole will not fill with water.

C. Rizzy said he was very concerned about the impact on the wetland and possible draining of the wetland. D. Barnicle agreed and noted that he had seen a 30-inch cellar hole higher up the hill filled with water. He noted that there was a very high water table in the area. C. Rizzy noted that a stonewall behind his home that was even higher, had water pouring out of the wall frequently.

E. Goodwin noted that his main issue is that a 2 home subdivision was made with full knowledge of the WPA. The SCC had allowed 1 crossing; a second crossing may exceed reasonable use.

D. Barnicle asked if anything in the original OoC says no further crossings. No.

J. Hoffman and J. Michalek noted that the house is 10' from wetland. The minimum distance for any disturbance needs to be 25'. In addition, the area for crossing needs to be replicated.

J. Hoffman noted that the construction was within the 25' no touch zone with a backyard of reasonable area being added, in the wetland. The applicant was asking for approval for significant wetland impact. It was well over 5,000 square feet of combined wetland and "no disturbance" area alteration. B. Caron disagreed and noted that he was only filling 600-700 square feet of wetland. J. Hoffman stated that filling a wetland to create the no disturb zone was counter to the idea of a no disturb zone. B. Caron was not achieving the intended goal. The SCC agreed.

C. Rizzy asked how the septic was to be built and serviced without crossing a wetland if the applicant needed to put the pipe through to begin with. There would be no access for repair or service. E. Goodwin asked how B. Caron was planning to construct and service the system. B. Caron noted that it would never need pumping; it was a leach field; no service would be needed. J. Hoffman stated that the contractors would need to cross a wetland to build and to service and system. B. Caron insisted that no servicing would be needed in the leach field location. J. Hoffman asked what would happen if the septic fails and needs rebuilding. D. Mitchell asked how B. Caron would excavate and place the sand and pipe in the trench. D. Barnicle summarized by asking how B. Caron planned to get there. B. Caron stated that the excavator and backhoe would need to drive across, but the rest would be carried. He noted that it would be similar to any other location with temporary but not permanent impacts. C. Rizzy stated that the area was all muck, the owner would need to construct a temporary road to just get material back to the system. B. Caron disagreed and stated the work could be done in winter when frozen or mid-summer when dry. There would be no impacts.

N. Ryder suggested they site visit to confirm delineations and site conditions. D. Barnicle stated that the SCC didn't need one; he did not see anyway to get the proposal to work. He also stated that he did not see any proposed mitigation. J. Hoffman agreed and stated that any further proposal would need to consider the needs of the people who buy; they need a yard. If they don't have one they will make one in the most convenient location, the wetland.

E. Goodwin stated that all the same concerns went around before for Brookfield Road. The SCC faced the same situation and it didn't work. He stated that the applicant needs a creative solution and answers to all questions before he would even consider the issue. B. Caron stated that Brookfield Road was not a good comparison. E. Goodwin said it was the same, minimal upland that is being constructed on.

D. Mitchell stated that he had concerns and needed each issue addressed. The 25' buffer was critical for the SCC. He noted that there was no space for crossing and construction of the leach field. He agreed with D. Barnicle, and did not see how the project could be constructed as proposed.

J. Michalek said his concern was with the 25' set back and filling in a wetland to construct a 25' setback that was being altered. B. Caron said to maintain 25 feet, he would need to fill the wetland and mitigate. D. Mitchell said the intent is not to encroach on wetlands in order to meet 25'. The idea is to protect the wetlands in the first place from impact, by requiring a 25-foot buffer. B. Caron said the 25' rule should not be used as this was a proposed crossing.

The SCC unanimously stated that the proposal was not for a crossing. They noted that even if it was, all resource area protection is related. The crossing would have to be applied for as a limited project, with an alternatives analysis, and 2:1 mitigation.

D. Mitchell said the project was very similar to the Brookfield Road proposal. For many reasons he did not want to repeat the same process. The proposal had not worked the first time; there was no reason to believe it would work the second.

J. Hoffman stated that he could not agree to fill a wetland to meet the 25' buffer. It defeats the purpose. He noted that the SCC has had developers give up entire lots to meet reasonable use and this proposal was completely contrary to that concept.

D. Barnicle stated to B. Caron that the proposal as presented would be difficult to sell. He did not see how it could work within the confines of the WPA, the town bylaw or the local regulations. He noted that on top of all that the applicant then needed to address soils issues.

B. Caron said he will try to come in with a compromise. He noted that he understood now that the 25' no touch is no touch. E. Goodwin said it is a universal starting point for everyone coming before the SCC.

The hearing is continued to 1/16/03 at 7:50 to submit revised plans

PUBLIC HEARING – RDA cont. – 127A Stallion Hill, Discussion regarding the scope of work needed to open existing trails, discussion of plans to protect wetlands and improve existing crossing conditions.

J. Hoffman opened the public hearing, no neighbors attended. The SCC briefly discussed the site and noted that N. Ryder should check on the following; contact the neighbors to see if their needs are being met in terms of limited noise disturbance, check on the status of the signs, confirm that the police are checking on the land and there is nothing to report.

Items which still need to be discussed include; posted hours, no road parking signs are needed, improving the condition of the wetland crossings, the SCC may need to negotiate with OSV for parking at the existing dirt parking area down Stallion Hill owned by OSV. N. Ryder will speak to Brad

King regarding the trail and possible easements for connecting to conservation land at 197 Leadmine Road.

D. Barnicle noted that other items to be discussed further include: snow mobiles – signage saying “at your own risk”; hunting – posted hours, safety issues with other land users; snow shoers, cross country skiers, hikers, mountain bikers, etc. - need some type of roadside parking in winter but not on the road. It would not be possible to plow the entryway; clearing of trails on a regular basis; police patrols; gate? Locked or not;

The hearing is continued to 1/16 at 8:30

PUBLIC HEARING – RDA – Harrington Memorial Hospital and Sturbridge Family Health Center for a building addition and related at 118 Main Street.

J. Hoffman opened the public hearing, present was T. Keenan.

T. Keenan outlined the areas in red as proposed changes; he outlined the drainage areas as shown. J. Michalek noted that he would like to see the berm go all the way across the wetland area. He noted that they needed to prevent plows from dumping snow into wetlands. The SCC discussed drainage and moving drainage away from wetland so it percolates through soils and filters. The SCC agreed that if the curb was installed first, there would be no need to install hay bale barriers.

The SCC approved the project with conditions that there be continuous curbing along the edge of wetlands, a location for snow removal be designated away from wetlands, and if the curb is in first hay bales are not needed.

PUBLIC HEARING – RDA - Green Hill Engineering for construction of 3 single family homes and related at 225 Brookfield Road, lots 1, 2, and 3.

J. Hoffman opened the public hearing, present was M. Farrell. He noted that the SCC had visited the site and had noted a ramp from an old roadway, old debris, and a drainage culvert to the wetlands.

D. Barnicle noted that he had trouble understanding the wetland shape; it looked like an old dump or fill site. M. Farrell said it was an old farm site; the wetland was likely where the farmer got rid of trash.

The SCC noted that the site work would disturb more than 1 acre of land. Erosion controls along the roadway would also be needed to comply with phase II storm water. They will be included as conditions in the permit.

J. Hoffman asked if there were any questions. No.

PUBLIC HEARING –New Forestring Application Review
No new applications.

Motion to close at 9:30 PM by everyone with unanimous vote and cheers of thankfulness that it was not midnight.

