

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, December 19, 2002

MEMBERS PRESENT

D. Barnicle-6: 30, J. Hoffman-6: 45, J. Michalek-7:00, D. Mitchell-7: 15

The meeting was not scheduled to start until 8:00. Everyone was just too accustomed to the 7:00 start time.

As the Stallion Hill Chapter 40B ZBA application had just been filed, the SCC tabled the majority of the work they had intended to cover in order to address this filing in a timely and effective manner and focused on the 40B application.

MINUTES REVIEW -

Tabled until January 9.

CPA UPDATE, E. GOODWIN -

Tabled until January 9.

CORRESPONDENCE REVIEW -

Correspondence reviewed included; A citizens petition requesting the town purchase the land on Farquhar Road; A notice that MA Pike had leased 50 spaces as a Park and Ride at Bethlehem Church; MACC Annual fund notice; The Stream Advocate; NEE informational flyer; A letter sent to BoH regarding perc tests and the need for LP's; Mass Wildlife News; The Citizen Forrester; A dialogue on the future forum summary from Nov. 4; ENS reports 12/9; National Forest Management Law Amendments; OLT Grant notice; The Wetland Conservation Act Reauthorization News Brief.

DISCUSSION OF NEW INFORMATION -

D. Mitchell asked N. Ryder to schedule a state of the lakes talk for one of the spring meetings. N. Ryder will schedule it for sometime late February to April as the public hearing schedule permits.

The SCC reviewed a proposed retirement village expansion off Route 15 in response to a PB request. A NoI will be required as part of the work (drilling of a well) is within 25 feet of a wetland. The SCC discussed the revived trailer park location.

REVIEW OF SITE VISITS, SCHEDULED AT PREVIOUS MEETING

NEW BUSINESS -

The Commission was recently notified that there was a carcass dump on Mass Pike property near the salt shed off interchange 9. The SCC noted that BoH had been informed also. This is more a BoH issue. The Mass Pike will be bringing in an RDA for the dump area, which is located there, next spring.

OLD BUSINESS -

No new information has been submitted from Mass Pike regarding the Park and Ride.

The SCC discussed the Allen Homestead bond release. They OK'd the release unanimously. The letter will be held to see if the funds are released without written SCC approval that the work for that part of the buffer is complete and accepted. The purpose is to test the legal value of the agreement, which is in question.

The SCC reviewed the Opacum Grand Trunk Ecological Survey and the site visit results. They noted that if the trails were approved for that location, the impacts from regular use would be directly adjacent to protected habitat and vernal pools. This would not likely be allowed under state or local regulation. No formal application has been made. An alternative location should be considered and encouraged.

OTHER BUSINESS

The Budget submittal was briefly reviewed. There were no outstanding questions. The SCC will take the information home and review it in more detail. If there are concerns they will notify the office.

Further pre-review of the Whittemore Woods application was tabled.

N. Ryder is to check with M. Lev to see if the trench constructed by R. Caron off Cedar Street was filled in. The SCC is concerned about the safety issue.

N. Ryder noted that two grant applications had been written with Rizzo Associates. A 604b water quality grant for study of the Quinebaug and directly connected lakes, Cedar and Long Pond. The second grant was for additional lakes monitoring funds and to study storm water impacts and any changes, which may occur in the lakes due to installation of town sewer.

LETTER PERMITS

Tabled to 1/9

CERTIFICATES OF COMPLIANCE

HOBBS BROOK COC

The Commission OK'd the final project with one final site visit to be taken to verify that conditions have held and to double check silt fence removal prior to issuing the CoC. D. Barnicle noted the slope was going to be a life long problem. The SCC will need to be diligent regarding continued maintenance and negotiation for ongoing slope support. The SCC approved the release with the stipulation that the Rte. 20 bank behind staples detention basin is not to be released. All conditions relating to the Route 20 bank are to be ongoing.

WALK-INS

G. Valiton attended and explained the proposed amendment for 446 Main Street. He noted that the amended building is shorter and wider. The northwest corner of the parking lot has been expanded back closer but not in to the 25' no touch buffer. J. Hoffman asked if the concrete pad would still be taken out. Yes. D. Barnicle confirmed that a two-step erosion control system would be used. Yes, erosion control will be used around the pads while the concrete is being removed, then moved forward to correct location when the ground is stabilized. D. Barnicle asked if the swale would still be effective. G. Valiton said the lot was flat; the vegetated swale was to control normal flow. As the site is already disturbed, the swale will improve the TOS removal but will not solve the sites problems. Smaller rain events will perk down through the

swale. Larger rain events will head up and run through the check dams, which will slow the water and allow for sediments to drop out. D. Mitchell and G. Valiton discussed the site grade and the sheet flow into swale. G. Valiton noted that the site runoff currently flowed directly into the wetland with no controls. D. Mitchell asked if there would be a berm between the parking area and the swale. No. He questioned how cars would be prevented from running into the swale. G. Valiton said there was no possible way really; he suggested a condition reserving the SCC's right to inspect the property occasionally and to require reflective strips at the edge of the parking area to let drivers know they were at the edge.

The SCC was not satisfied with the answer and after discussion agreed to the project with conditions as follows; A barrier is required to prevent cars from driving into the water quality swale; A twice yearly sweeping of parking areas and cleaning of the swale is required; A twice yearly maintenance report of what was done is required; Complete site maintenance is required twice yearly; temporary hay bales are required around the concrete pad until the vegetation has stabilized after removal.

D. Barnicle suggested digging 6' down and putting pipe in to assist with percolation. D. Mitchell stated that there would likely be negative flow from the wetland into the pipe. G. Valiton stated that the pipe would not solve anything, as it would be inundated with groundwater.

D. Barnicle asked if the length of the swale had been increased. G. Valiton said it was curved; it is now realigned and straightened

J. Hoffman asked if there were any additional questions. None. The SCC voted unanimously to issue the amendment with conditions as stated.

S. Sanderson dropped a final revised plan (Revision 22 dated 12/19/02) off to the SCC for review. The Planning Board had required the house be moved out of the setback to meet zoning code. The SCC confirmed the roof run off chamber was located outside of the 25' buffer. The well was shown. J. Hoffman asked if there were any other questions. No. The SCC voted to issue the amendment with a condition that the commission would be inspecting the site carefully as work is so close to the 25' buffer. No deviation will be allowed. By unanimous vote.

Richard Dominguas of 228 Brookfield Road stopped into the meeting to discuss the lot 3 lateral sewer tie proposed. The SCC discussed with him and noted that there was a 3-year hold before digging up newly paved roads. He should speak with G. Morse.

500 MAIN ST.

A proposal to amend the driveway was submitted informally, there was no formal application or filing. M. Loin asked if the SCC would approve the amended location for the driveway. The SCC had taken a courtesy site visit. Part of the proposed driveway is within 10 feet of the stream as it enters the culvert under Route 20. The SCC discussed the project. They noted that the change did not appear to be motivated by either state or local municipal requirement for safety. As the change does not comply with either the WPA or the local bylaw or regulations the SCC will not likely approve the amendment as proposed, if submitted formally. A fully posted NOI amendment will be required as it is an entirely new project.

STURBRIDGE ISLE

The SCC conducted a site visit for a CoC. On inspection, the site was not built as approved and the work was closer to perennial riverfront, not further as presented and approved. John Elliot, one of the contractors will attend the meeting on Jan. 16th with as-builts to explain what happened and why the changes were made without amendment or approval.

DISCUSSED SITE VISITS

D. Barnicle noted that there were several additional subdivisions coming in for review. The Commissioners responsible for each site should be taking visits and making reports each meeting.

J. Michalek said he drives through weekly, and walks through at least monthly. He noted that he did not see any areas of concern and noted that the roadways were paved up to the crossing. He noted that the Forest Lane horseshoe was not to be paved.

D. Barnicle asked if the stones at the crossing had been replaced and if the dam was functioning again. Yes. The SCC reviewed the wetlands crossing/fish ladder detail and the fax from Art Allen. J. Michalek noted that the fish ladder had been installed and looked fine. D. Mitchell asked N. Ryder to see if A. Allen could send digital photos

STALLION HILL VILLAGE 40B ZBA SUBMITTAL

The SCC held an extremely long discussion involving the submittal, reviewed all the data submitted and drafted a letter to the ZBA. The letter should be referenced for additional information and is available on request to the SCC office.

Items discussed and/or of concern include:

Unanimous agreement to request that a blanket waiver of all environmental issues not be granted. An incorrect statement regarding chapter 4.04 of the Zoning bylaw was noted. The 500' buffer is not a prohibition zone and the request for waiver statement is incorrect. The applicant should review the bylaw and restate the requested waiver.

The SCC disagreed with the request that no bond be required for the project. The SCC noted that the impact to the extremely sensitive environmental areas immediately down gradient of the project could be substantial if the project is not well constructed. Under no circumstances should the ZBA waive the entire bond.

The SCC discussed the environmental suitability of the site for the project. The SCC noted that the site was highly unsuitable for such a project; alternative locations should have been investigated and pursued by the applicant prior to designating this as the final site in town. The potential for heavy environmental damage exists for this site based on the number and degree of slopes, number of wetlands, number and location of perennial streams and both known and potential habitat areas.

The Commission unanimously felt that the information presented was minimal and lacking any detail with which to evaluate potential impacts. Additional information will need to be submitted A third party evaluation of the proposal and site is also needed. It was noted that the

level of detail on the plans is not adequate for the state required NoI filing, to evaluate whether impacts will be created.

D. Barnicle noted that historically, isolated lands not subject to flooding are often vernal pools. As marbled salamanders were seen on site reported by a previous commissioner, the SCC will ask the ZBA require review of wetland areas and potential habitat by NHESP and an independent reviewer to certify that the wetlands are or are not vernal pools prior to declaring no issues or no state jurisdiction.

A stream/water course apparently flows through the northern wetland and out toward the Quinebaug, based on the applicant's own submitted plan, despite statements in the narrative to the contrary. The flagging by an expert for the applicant, on the slope above the northern wetland indicates flow into the wetland. This indicates that wetland is not isolated. Field review will have to be conducted. The SCC will request permission to conduct a site study and request outside consultation. Further study of the northern inlet shows a drop in elevation from 660 feet at the inlet to 605 feet at the outlet. This may be indication of an intermittent stream, which widens at the location of the northern wetland. There is not likely a depression based on the drop in slope. If a depression is identified within the wetland area, taking into account the drop in slope pre and post wetland, the size of the wetland would fall within the size definition of protectable wetland. This observation will have to be made after the snow melts in the spring. The SCC also discussed the probability of the wetland occasionally flooding if there was no outlet as claimed. If so, then it is land subject to flooding and once again jurisdictional. Clear scientific proof of no hydrologic connection and no flooding, will have to be presented by the applicant.

The SCC will request a site visit for 1/4/03 with members of zoning or planning and will respond with at least an initial base of knowledge of the site for the 6th.

The SCC will request the technical explanation and narrative from the environmental engineer outlining why and what the basis of designation as a non-jurisdictional wetland was.

The SCC reviewed the two perennial rivers involved. Riverfront has primacy over wetland regulations; all environmental issues in riverfront can be addressed under the NoI filing as well as under the 40 B filing.

The SCC discussed whether or not riverfront from other rivers on site could be used in calculating the overall % impact to rivers. DEP was consulted (Marielle Stone) and stated that the cumulative riverfront on the property was used to determine the percentage of riverfront resource area alteration. She also noted that the 10% allowable alteration was a maximum the Commission could allow if conditions warranted and not a right of the applicant.

The SCC was also concerned that many items that can impact the quality of the work and therefore impacts to resource areas were being designated as "to be done" or "to be designed" by others. This is unacceptable. The design and implementation techniques, directly impacts the usefulness and stability of the retaining walls. This must be discussed and agreed on prior to any permits being issued.

There was concern regarding the Vortechnic units noted. The application does not specify what is to be used where. The plan only indicated the level of sand that will be removed.

Concern over the slope impacts of the through road behind the northern wetland were discussed. The road and it's associated impacts seems excessive to accommodate one housing unit.

The SCC discussed hydrology review. Under state regulations, the applicant must account for inflow and outflow and hydrologic connections whether surface or below ground. Other issues which need to be addressed are; who ensures storm water compliance; how phase II will be met; before and after water quality measurements and evaluation for no negative impact; outside consultation; past concern regarding toxic waste has never been investigated or either confirmed or denied; the level of soil and wetlands disturbance indicates a detailed study of hazardous waste should be conducted.

Motion to adjourn the meeting at 10:30 PM by unanimous vote.