

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, February 6, 2003

MEMBERS PRESENT

J. Hoffman, E. Goodwin, and D. Mitchell

7:00 PM

MINUTES

Tabled

CPA UPDATE, E. GOODWIN

E. Goodwin noted that T. Jones had attended the meeting and asked for \$800,000 for the Stallion Hill and Holland Road properties. The CPAC had voted to accept the offer and put the land on the town meeting warrant. He noted that it included 146 acres of prime riverfront land previously owned by Kacavich and CPC. He noted that T. Jones said the 21E's were done and the property is clean.

The CPAC had voted to roll over 10% to affordable housing for future use.

The Historical portion was voted on also, \$12,100 will be proposed for burial plot and cemetery upgrades \$6,500 will be proposed to survey other cemetery improvements.

Farquhar Road residents asked again about the viability of buying the Regep land. As Regep wants 2.5 million, the CPAC declined the offer.

CORRESPONDENCE

Correspondence reviewed included: email from David Yaskulka of the Planning Board relating to Open Space training and initiatives; A letter from Hobbs Brook regarding maintenance; Notice of and invitation to the Historic Preservation Conference scheduled for September 5, 2003, the Annual Preservation Awards scheduled for September 5, 2003 and Mass Archeology Week scheduled for October 11-19, 2003; Mass Wildlife News; A Web Page memo from J. Malloy; A memo from D. Mitchell re: DEP cuts; An invitation to and notice of the Annual North American Lakes Management Society for November 4-8, 2003; Quinebaug Shetucket Memo regarding nomination to the Eleven Most Endangered Places List; Tighe and Bond notice; a Dialogue on the Future memo noting the next meeting will be on March 10; MACC Newsletter; A memo from EcoTec regarding the change in Riverfront Regulations adopted by DEP; New England Wildflower Society Recruitment memo; COLAPS notice for their Annual Lake and Pond Management Workshop scheduled for January 25, 2003 (I think they sent their mailer just a little late!); Email correspondence relating to the SCC proposed Stormwater Bylaw.

OTHER BUSINESS

The betterment requests were reviewed, amended, and approved.

The SCC reviewed D. Barnicle's concerns with the through road from Fairview Park to Whittemore. D. Mitchell noted that the impacts to the wetland and stream were closer to Whittemore than to Fairview

DISCUSSION OF NEW INFORMATION

The SCC discussed drafting a letter to the PB and applicants noting that the alternatives analysis is to start with no impacts and then consider minimal impacts. Any alternatives must be reviewed with the SCC prior to presentation to the Planning Board. Alternatives analysis that start with maximum build out, are presented to planning prior to consultation with the Conservation Commission, and then work there way down until the Planning Board is no longer in shock will not be accepted.

REVIEW OF SITE VISITS, SCHEDULED AT PREVIOUS MEETING

Tabled

CONTINUATIONS OF PREVIOUS HEARINGS FOR CLOSURE, REVIEW OF FINAL SUBMITTED DOCUMENTATION AND OTHER ACTION

None, all continuations had been scheduled with hearing times.

MINOR WALK IN REQUESTS

None

PUBLIC HEARING –NoI – Jalbert for Giguere for 31 S. Shore Drive for SFH Construction and related.

J. Hoffman opened the public hearing, present were; John Seguin, Lynn Bradley, Don Smith, Donna Grehl, Vanette Richard, and Joanne Teachout

J. Hoffman asked all abutters to hold comments and questions until after they had heard the presentation by the applicant's representative. After the Commission had a chance to ask questions, he would open the floor to the abutters and other interested parties.

J. Teachout outlined the project, which is to build a single-family home with on-site water and sewer. There will be 8,060 sq. ft. of disturbance in the buffer, of that 3,000 sq. ft. is temporary and will be reloamed and revegetated. Within the 100' buffer will be the first part of the driveway. Within the 200' buffer will be part of the driveway and the home. She noted that she was aware of the neighbors concern, as she had received many calls relating to storm water and runoff from the property. She noted that some driveways on the road had slopes of 12% and greater. Due to grading along the roadway, they cannot get below 12% in many of the cases. She noted that this lot will not create anymore runoff for the neighborhood. She stated that the engineers were proposing a swale 2.5' wide by 2.5' deep to hold a 12" wide ACCMP pipe. This is a corrugated pipe, which will stand H-20 loading. J. Teachout submitted drainage calculations to verify the pipe sizing. She noted that the swale was designed to hold water similar to the way a detention pond would. J. Teachout outlined the direction of drainage and water flow on the site. She noted that the elevation was 83 at the road. The entry site will be level with the grade of the road when the project is complete. She noted that the majority of flow would stay on land that now slopes down to the wetland. There will be little to no runoff to the road.

D. Mitchell stated that he understood the drainage swale captures flow off the hill. He asked what captures the runoff from the driveway. J. Teachout said the drainage swale would also. D. Mitchell noted that when the driveway is plowed, the swale will be filled with snow and ice. He asked what would happen in the winter when the swale is filled. If the driveway has sand salt it will not be effective. J. Hoffman noted that there was a small area below drive and above the 25' line. He asked if something more effective could be constructed there. J. Teachout noted that there was not enough room for a retention/detention basin. J. Hoffman asked if the swale retained or directed the runoff. J.

Teachout said it retained runoff. D. Mitchell noted that his concerns were about the critical point of release.

The SCC discussed options for berms, swales and detention ponds on site. J. Teachout stated that if there was concern the swale would not hold in bad weather, she could add a berm so runoff does not go into the street.

J. Hoffman noted that at that location, the ground water is 2.5-3 feet deep. As the proposal is to raise and grade the property, why can't the driveway be moved up. J. Teachout noted that the slope rose up at one-foot contours; there is a steep incline.

E. Goodwin asked if the driveway was to be tarred. Yes. J. Hoffman asked if they had considered the new porous absorbent stones. J. Teachout said they had but the surface was hard to stabilize on a 12% slope. He asked if the driveway was outside the 50' buffer. Yes. D. Mitchell asked if they had considered using berms as an alternative routing system for any water. Several small berms could be constructed across the driveway

J. Teachout suggested that the first thing to do would be to schedule a site visit. That way the SCC could be familiar with the site during discussion. She noted that she would have the site flagged, weather permitting.

J. Hoffman asked if there were any questions from the SCC. Not at this time, others may come up during site visit or further discussion.

J. Hoffman asked if there were any questions or comments from abutters.

J. Seguin noted that he had a lot of problems with the road. He noted that the land being discussed was wetland with severe beaver problems. He noted that seasonally the water goes over 25' buffer line shown on the plans. The wetland line as shown is not accurate. He also noted that there were (bald) eagles nesting on the site. He stated that he did not believe the swale would work. He had been told that the land there was unbuildable because of all the wetlands. He noted that there was a lot of wildlife habitat there, eagles fishers and other wildlife. He stated that the proposed swale is in eagle nesting area. The water can get 15' deep in the wetland.

Lynne Bradley said she had all the same concerns as John Seguin. She stated that where the flags are posted is often under water. One is in a water way/wetlands.

J. Seguin noted that he had received a cleanup order because neighbors dumped leaves in the area. Now no one was saying anything about building a home there.

J. Hoffman noted that the home was proposed by the landowner. The SCC was reviewing the application to determine the wetland boundary and to evaluate potential impacts to the wetland. He stated that nothing had been decided.

D. Grehl said she had concerns about wetland measurement. She wanted assurance that the SCC would go down and check it. She said she would guarantee that the wetland is a vernal pool. She also agreed that the flags that are there are at the water line are not correct. She emphasized that the SCC needs to see the site. She stated that the wetland in question was the only wetland that is directly connected to South Pond by culvert.

J. Hoffman asked the other abutters and on questioning they all agreed that the stream does not stop flowing. The SCC checked on the topo maps. J. Hoffman confirmed that the stream is shown as an unnamed perennial stream on USGS Topo. The SCC noted that the riverfront regulations and 200-foot buffer would also then apply. The applicant needed to revise the plan to accommodate this.

A site visit will be taken as soon as weather and snow conditions allow.

The SCC and abutters discussed the cumulative effect of snow plowing near wetlands as a result of increased residential use.

The public hearing is continued to March 20th at 7:30 PM.

PUBLIC HEARING – NoI cont. - Jalbert for Sladdin for single family home construction and related at 90 and 90 A Westwood Drive.

J. Hoffman opened the public hearing. Present were T. Sladdin and J. Teachout.

J. Teachout noted that the well was 245' deep. There are no recharge issues. She presented plans showing the changes. D. Mitchell asked for increased silt fence along the shore. The plan was approved as amended by unanimous vote.

PUBLIC HEARING – NoI cont. – Jalbert Engineering for Glenn and Sherri Pelski for removal and reconstruction of an existing single family home at 102 Gladding Lane

J. Hoffman opened the public hearing, present was J Teachout.

J. Teachout outlined the revised plan, she noted that the previous issues were with the proposed vs existing home size and the existing drainage system. She noted the existing house was a 2 family but has not been occupied for over 1 year. The building is increasing in size by 214 sq. ft. Both proposed and existing homes have two stories and are 2361 sq ft in footprint. She outlined two drainage alternatives.

One is a stone swale along the back of the house. The plan will be to regrade the driveway and redirect the runoff for a 50% TSS removal. She noted that the site was picking up a tremendous amount of ground water from sheet flow off of ledge.

The second proposed system includes a Vortech system, 2 catch basins, a 4-inch sump. The plan would be to move and regrade the driveway and install catch basins at the low points. This plan would give 80% TSS removal, would pick up all ground water, rainwater, and driveway water. For this property a mid size unit would be suitable.

She asked which direction SCC would like to go in. She said they would also need to schedule a site visit.

J. Hoffman noted the SCC was familiar with the vortech system. D. Mitchell stated that typically vortech systems were for high volume runoff and will knock down salt and sand, he noted that it may be the wrong tool. J. Teachout noted that there was a good size slope and very heavy runoff.

D. Mitchell noted that the plan needs clarity. It is too busy to clearly see the overall proposal vs existing conditions. J. Teachout clarified the plan and outlined to D. Mitchell the existing vs. proposed

features. D. Mitchell confirmed that the house would be gutted. Yes. He asked why it could not be pulled back from the lake additionally. J. Teachout noted that would require blasting. She stated that it cannot go to the side or pivot due to existing septic systems. The current location is 10' from the tank and 20' from the leach field. She said she could look at changing it a little, but was not sure.

E. Goodwin stated that a site visit will definitely be needed. Scheduled for 2-8 @ AM following other site visits.

The public hearing is continued to March 20 at 7:50 PM.

PUBLIC HEARING – NoI. – Jalbert for Dalton Contractors for Lot 15 of 103 Breakneck Road for SFH construction and related.

PUBLIC HEARING – NoI. – Jalbert for Dalton Contractors for Lot 14 of 101 Breakneck Road for SFH construction and related.

J. Hoffman opened the public hearings for both properties at the same time as they were side-by-side, present were Mark Edwards, Janice Chiaretto, and J. O'Malley of Palmer Paving.

J. Teachout reviewed the two lots, she noted that both lots were in the buffer for the same wetland. She outlined the plans noting that each single-family home lot would have on site water and sewer. She outlined the grading, limits of work, homes, and driveways. Most work for both properties would be outside the 100-foot buffer. After reviewing the plans, the SCC had no outstanding questions for either project

J. Hoffman asked if the SCC had any additional questions. No. He asked if the abutters had any questions. No.

The public hearings are continued to 2/27 @ 7:15 if there are no issues at the site walk and to 3/20 @ 8:10 if there are.

A site walk is scheduled for 2/8/03

The SCC discussed the neighboring property lot 13. J. Teachout noted that there was blasting and a well being installed. No permits had been pulled. D. Barnicle and J. Hoffman had taken site visits and did not believe there were wetlands within 200 feet. They noted they would recheck during the site visit.

PUBLIC HEARING – NoI amendment. – Sousa for Ricard for 53 Beach Ave for SFH addition and related.

J. Hoffman opened the public hearing. Present were Terry Richard, Raoul Ricard, Steven Sousa, Sharon Pedersen, and J. Teachout.

J. Teachout outlined the site and reviewed the history of the existing house and lot with the SCC. She noted that there was a 25' no disturb buffer that would be complied with. The SCC agreed. J. Teachout outlined the power line easement and noted that the applicant could not move the addition anywhere else. They were proposing to add 32.9' to the existing building including a deck on sonatubes. The addition is proposed to be 36.6' to water on one corner and 26.6' to water on the other corner. She outlined the 100' and 200' buffer. She noted that the addition could not be placed on the other side of the house, due to the property line setbacks.

J. Teachout noted that she understood the history with this house and will personally monitor the project to make sure there won't be problems.

S. Pederson asked where the Gazebo will be moved. The Ricards said they don't know yet, it is not a permanent structure.

The SCC asked about the garage on the back property. J. Teachout noted that it was only a foundation and cannot be built on. Both lots had been consolidated

The neighbors were concerned about the proposed structure blocking their view. J. Hoffman noted to S. Pedersen that the SCC cannot regulate height of buildings. T and R. Ricard stated that it would be one story with a vaulted ceiling. The height would be almost the same as the existing home roof height.

N. Ryder noted that the regulations had been adopted. She noted that the applicant was also asking for a waiver. They needed to show that there were no alternatives. J. Teachout showed an alternative with the deck off to the side. J. Hoffman noted that neither alternative overcomes the 50' structure buffer. Both alternatives can possibly be built with no impact to the 25' buffer, if the sonatubes and deck are constructed by hand.

The applicant needs to submit proof of abutter notification and proof of no alternatives for the continuation. This can include a statement from the power company refusing to allow construction in the easement.

The public hearing is continued to 2/27 @ 9:50

PUBLIC HEARING – RDA cont. - Green Hill Engineering for Gerrity Homes for single family home construction and related at 24 Old Towne Way, (lot 4).

J. Hoffman opened the public hearing. Present was M. Farrell. N. Ryder noted that in reviewing the plan for a site visit, it was noted that the wetland and property were located on the opposite side of the street as the lots and wetland the SCC believed were in question. A formal delineation will need to be conducted when weather permits.

The public hearing is continued to 2/27 at 7:15 if a site visit can be taken and everything is fine it will be closed then, if not it will be continued again to 3/6 @ 7:15. OK'd by M. Farrell.

PUBLIC HEARING – RDA cont. – Green Hill Engineering for a stream reclassification at 388 New Boston Road. – Site plan to be submitted for site visit confirmation.

J. Hoffman opened the public hearing. Present was M. Farrell.

M. Farrell submitted the site map showing stream location and pond in relation to the rest of the lot. This was the item the SCC was waiting for. J. Hoffman read the letter from D. Barnicle into the record. He noted that the SCC had already approved the site pending a formal plan to verify that the wetland/stream the SCC was looking at was the same as the one M. Farrell was asking for a reclassification on.

A site visit will be taken on Saturday to check the pole number against the wetland/stream.

The hearing is continued to 2/27 @ 7:15 for sign off unless the pole number does not match.

PUBLIC HEARING – NoI cont. - EcoTec for Seaver for construction of two single family homes and related at 304, 306 Leadmine Road.

J. Hoffman opened the public hearing. Present were Paul McManus, D Seaver, and J. Teachout.

P. McManus reviewed the site visit discussion relating to the change in location of the replication area to reconnect to the wetland. He noted that the flags for wetland along the line of Witch hazel (“Z” line) were confirmed based on soils results. He noted that flag # 11-14 tied the replication area back into wetland. He included replication plantings for 1200 sq. ft. rather than 600 sq’. P. McManus read through checklist changes.

D. Mitchell asked if scheduled sign offs should be implemented. P. McManus said due to the fact that work must proceed incrementally, that would be difficult. J. Hoffman asked for clarification.

D. Mitchell said the road construction is the most likely source of erosion if a large storm occurs. Any erosion event should be checked. J. Hoffman stated that the erosion control barrier is the process to control erosion, if there are concerns that will not hold it should be reviewed. D. Mitchell said he was more concerned about having no specific time line, and the effect of long-term deterioration. P. McManus noted to the SCC that if they chose that path, they could require less frequency of checks as it is not a high impact site.

E. Goodwin asked if all work within 200’ of wetlands could be done prior to all other work. Yes. D. Seaver said it all would be as the replication had to be done before the crossing and the crossing before the driveway, and the driveway before the homes. It could not go any other way.

D. Mitchell and P. McManus reviewed the project checklist. There will be a sign off point @ item 10-filling of crossing within retaining walls to sub grade. D. Mitchell noted that the plan was not sequential. D Seaver asked why it matters if dirt is not in the wall once the blocks are up. The crossing and culvert area already in at that point. The SCC agreed with the point.

E. Goodwin noted that the stockpile area was a concern. He noted that the standard condition is outside the 200’ buffer. He noted that a site needed to be designated. P. McManus stated that there was a flat spot in front but he does not want to ruin vegetation. D. Seaver said that he would be bringing fill in. E. Goodwin said they need to find a storage area to set up and use that is not along the wetland until the road is done or use the material as they go. D. Seaver said it would be a use as it goes process. That will be put in the Order of Conditions

P. McManus noted that there may be a need for landscaping to patch disturbances from construction. The only place he saw was the area between the two driveway entrances.

He will submit drainage calculations and a revised plan.

The SCC agreed that the only way to make sure there would be no impact is to monitor the site.

J. Hoffman asked if there were any additional questions or comments. No.

E. Goodwin motion to approve the project as amended. D. Mitchell 2nd for both. Vote all in favor. Unanimous

A revised work plan and checklist will be submitted prior to the 2/27 meeting. Continued to 2/27 at 7:15 PM. P. McManus and D. Seaver agreed to an extension to review the revisions and issue a permit.

PUBLIC MEETING – SCC review of site visits to ongoing subdivisions and large projects.

Preserve- C. McGregor

Allen Homestead – M. Suprenant

The SCC read through the Order of Conditions for both projects, all items, which have not been completed and are due are to be submitted on or before 2/27 or a cease and desist will be issued for each property at that time.

PUBLIC HEARING – RDA cont. - Marin Realty for determination of Conservation Commission jurisdiction at 138, 143, 145 McGilpin Road relating to construction of single family homes and related.

J. Hoffman opened the public hearing. Present was M. Sosik.

Based on site visits, lots 6-9 were approved as not jurisdictional.

Lot 10 needs an NoI and further information on the adjacent wetland.

PUBLIC MEETING – B. Caron for 92 Brookfield Road, for request to reopen a public hearing.

J. Hoffman opened the meeting. Present was B. Caron.

B. Caron outlined a plan to span wetland using a 40-foot bridge with slats to allow continued growth of vegetation. He noted that the drive was the only structure within the 50' setback. The house was on the edge of the 200' buffer.

D. Mitchell clarified that the meeting was to request to reopen the public hearing. Yes.

J. Hoffman confirmed that the driveway crossing detail shown was no longer valid. Correct.

D. Mitchell motioned to reopen the public hearing. E. Goodwin second, all in favor

J. Hoffman said he would need to see details on the bridge span, attachments, connections, slope, drainage off slope and how it will be treated

The SCC and B. Caron discussed whether replication would be needed. The SCC agreed that if the supports were out of the wetland and the bridge was an open grid then there would be no impact so no replication would be needed.

The public hearing is scheduled for 3/6 @ 7:20 PM.

PUBLIC HEARING - NoI – Cullinan Engineering for J&W Company for Stallion Hill Village, a 56 unit housing development at 52 Stallion Hill Road.

J. Hoffman opened the public hearing. Present were, Mark Zulkiewicz, Clint Webb of EA Environmental, Vito Colonna, and Dennis Rice.

D. Rice noted that the applicant was starting the NoI project process and intended this meeting as a beginning point. He noted that the project had been filed as a 40B with the ZBA for local bylaw

review. He stated that the applicant is filing a NoI under MWPA only. D. Rice gave a background summary on affordable housing requirements for towns and noted that the Sturbridge wetland bylaws were included in that level of review. He noted and asked that the NoI filing would likely parallel the ZBA 40B filing.

D. Rice outlined site features, primarily the Grand Trunk trail, the oil pipeline easements and the power lines. He noted that there would be 18 multi unit buildings ranging from 6 units- 2 units each. Each unit will be colonial style 3 bedroom homes with basement and garage. He reviewed the entrance on Stallion Hill, the driveway across the culvert and into the loop. He noted that sewer and water lines would be brought along the access road. D. Rice noted that two of the wetlands were currently under discussion, he anticipated peer review of both wetlands. He noted that while he understood the SCC had questions he would like to argue in favor of the EA and Cullinan Engineering points of view. ?? asked if they would be submitting the EcoTec report to the SCC for comparison and review. No response.

D. Mitchell asked when the site had been flagged. D. Rice said last summer and noted that with the exception of the roadway crossing there were only wetland disturbances within 100 feet of development. N. Ryder clarified that the SCC would be reviewing 200' for the riverfront and perennial stream. D. Rice agreed and outlined the perennial riverfront on the property. He noted that besides the stream there were two other perennial riverfront impacts. One perennial stream, which was off the property and below the entrance, had a tip of riverfront 200' area across the entrance. He outlined the second perennial stream. D. Rice stated that the applicant was applying under 310 CMR 10.53section (3)(e) [limited crossing].

D. Rice stated that the plan called for replacing the culvert, if tests find the structure and integrity to be sufficient, it will not be replaced.

J. Hoffman asked why the applicant was requesting a limited project. He noted that there was a culvert there now, the project was not disturbing any more wetland than is disturbed now. D. Rice agreed. J. Hoffman re-asked what are you requesting a limited project for. The project has Riverfront impacts but does not qualify as a limited project crossing.

D. Rice noted that there was work within 100' and within 200' to the stream. He requested an alternative analysis be waived under section(??? I missed the reference). He noted that while the SCC could request an alternatives analysis, he felt that for this project it would be excessive as the parcel had no other road frontage. E. Goodwin noted that one of the partners owns the abutting parcel. N. Ryder read the alternatives analysis requirements under Riverfront resource area regulations. She noted that it was based on the commission's discretion based on the site having none of the presumptions of significance. V. Collonna asked for the sections being referenced. N. Ryder and D. Rice briefly discussed the definition of discretion. D. Rice noted that under the circumstances, other commissions would not require an alternatives analysis. N. Ryder noted that any other applicants coming in with projects, which impacted riverfront, would be required to submit an alternatives analysis as well. This project is no different. D. Rice stated that most other commissions would waive that requirement. N. Ryder noted that Sturbridge was not other towns. She noted that all other projects with riverfront in town were required to do the same.

E. Goodwin and D. Rice discussed the septic line access point and crossing points.

D. Rice noted that on site, there were 22.6 acres riverfront, the project would be altering 7.6% of the total riverfront on site. D. Rice noted that if the applicant concedes that the wetland is BVW + not isolated wetland, the impact to wetland would still be under 5,000 sq. ft., but does impact more than 50' stream. D. Rice stated that in his opinion this project is allowable as long as the applicant can prove it does not impact habitat value.

D. Rice addressed the peer review, which would be needed. He stated that Cullinan will provide technical information as requested. J. Hoffman noted that for the record the SCC through the ZBA has retained New England Environmental and M. Marcus as independent counsel with the consent of the same applicant. D. Rice and N. Ryder discussed the 40B consultation fee vs the NoI consultant fee. It was agreed that there did not need to be a duplication in review for the two filings as they were one project.

E. Goodwin noted that he would like additional review of the wetlands designated as IWNSF. D. Rice outlined them and briefly reviewed the project site. E. Goodwin asked what the amount of impact is. D. Rice stated that there will be 3,400 sq' of isolated BVW impacted with this plan. E. Goodwin asked if there was any possibility to move the roadway away from wetlands. D. Rice said they could but there would be much more earthwork disturbance. He noted that the applicant was preserving the bulk of wetland resources on site as open space. D. Rice referenced a conservation easement but noted that it was proposed as open space "right now". E. Goodwin noted that those words were meaningless without a formal conservation easement. M. Zulkiewicz said that was what negotiation is about, not with this commission. He noted that 40B negotiation was not thumbs up or down. N. Ryder noted that this hearing was not a 40B negotiation, it was a NoI hearing for riverfront, habitat and wetland impact review.

J. Hoffman asked where the applicant was planning on replicating. D. Rice said there was some potential to replicate adjacent to or down below the grand trunk. He stated the SCC could negotiate the location and replicate lower rather than disturb additionally up above???????? D. Rice outlined some already disturbed areas and noted that there was potential to do a wetlands enhancement project on the lower areas.

E. Goodwin asked if the applicant has done a 21E assessment. M. Zulkiewicz said a preliminary. D. Mitchell asked what he said. M. Zulkiewicz clarified that a preliminary assessment had been done in the area to be developed.

J. Hoffman asked to discuss the wetlands. He noted that outside of the referenced isolated wetland was not isolated. He noted that when the SCC was on site, they had identified a clear flow channel with clear heavy flow down into the wetland, clear flow through the wetland and clear flow out the other side. He noted that the flow was followed to the trail bed and noted that flow from no other source was picked up directly on the other side of the trail.

Clint Webb noted that he had looked at portions originally flagged by others. Cullinan had an existing plan to work from and asked EA to reflag the wetlands and make adjustments due to weather conditions. He noted that in reviewing the plan, his findings were different than those of the previous reviewer. He said it was dryer in 1999 than it was when he reflagged. He noted that he did field shots in September and went out again in August. Between those two times the pipeline and power line companies had both clear cut their easements. He outlined previous gravel removal operations from both sides of the Grand Trunk trail and noted that the resulting wetlands formed in them were fascinating. He noted that there was a very clear flow path that was intercepted by the road. He noted

that it stops at the road as it does not go over it is isolated from the other wetland. In his review, he noted that he did not agree that it was connected. D. Mitchell asked if he would surmise that it is hydrologically connected to wetlands on the other side. C. Webb said through ground water, yes, but it does not flow over or through the road. D. Mitchell stated that they would have to wait for an opinion from M. Marcus. He agreed that it does not go over the road, through though, and may be a culvert. He noted that if there was recharge from one side to the other, they can put dye in the upgradient side and see if it pops through out on the other side. D. Mitchell stated that he saw a wetland with flow in and flow out. He noted that in his opinion based on experience it dives under the embankment and pops out on the other side. N. Ryder asked why there would be a path of flow directly on the other side of the trail if there was no other flow source. C. Webb stated that he did not observe that. J. Hoffman restated that was what several members of the Commission had seen. He agreed that the SCC should use dye tablets to track water flow with M. Marcus to indicate what is happening.

C. Webb continued his review and noted that the depth of wetland 3 was approximately 2' deep at low water points with a muck base. He reported a lot of debris around wetland #2 and noted that to clean up the perimeter would be worthwhile. He emphasized that there was a lot of wetland function and habitat value to both the wetlands 2 and 3 area. He noted that wetland 8 was wider and larger in 2002 than in 1999. D. Mitchell noted that the slopes on back were extreme. He stated that it seems like a lot of effort and disturbance for 1 unit.

D. Rice stated that there was potential to use a cul-de-sac on both sides of the road. The project could be cut back if the SCC requests that to the ZBA, it is part of the process.

The SCC asked how the drainage basin gets routed to the river. D. Mitchell said he was concerned about the use of the temporary catch basin and noted that it may change the way the water is routed. Even if it is only for the short term this needs to be looked at.

D. Mitchell requested more information on the impacts to the grand trunk embankment. He was concerned about the sensitivity of species down gradient and the indirect effects of the project to endangered species habitat.

N. Ryder asked if the applicant had thought about where they would put mitigation for the riverfront disturbance. D. Rice said no.

N. Ryder asked the commission if they were going to waive the alternatives analysis as requested, or require one. She noted that if they were, it was one of the first items, which needed to be reviewed and discussed. J. Hoffman said there had been no decision, he was not sure one would be needed and noted that the SCC could talk about it.

M. Zulkiewicz asked what was needed prior to the next meeting. J. Hoffman said the SCC needed to get M. Marcus online and start the reviewing process. There was information the SCC had already requested through the ZBA process. This information is needed for the NoI hearing as well and should be submitted as soon as possible. Then the applicant and the commission need to work together.

J. Hoffman noted that the extra loop was costly in terms of impact. The applicant needed to think about removing that disturbance.

N. Ryder asked if the applicant had evaluated wetlands for habitat or vernal pool status when he was checking the delineation. C. Webb said no did not check for that, but he could guarantee there was not

a depression to support one (vernal pool). It was noted that ironically there is a potential vernal pool shown on the USGS topo at the top of the slope the SCC walked when following the stream).

N. Ryder asked if the applicant had considered submitting the EcoTec report. She noted that while Cullinan's point of view should be heard, EcoTec's report should also be heard, especially if there was conflicting information. M. Zulkiewicz said he will inform the ZBA of his decision first out of courtesy then he will inform the SCC. SCC was fine with that. M. Zulkiewicz said he was willing to work with what needs to be done.

The public hearing is continued to 9:10 on 2/27.

PUBLIC HEARING – Discussion of conservation issues relating to the Comprehensive Permit application for Stallion Hill submitted to the Zoning Board of Appeals by J&W Company.

The SCC reviewed the draft 40B scope of services submitted by M. Marcus. After discussion and review the Commission felt that in order to review the project for impacts they also needed the following information added to the proposed scope.

1. The report needs to include language to address the study of hydrologic connections and groundwater flow
2. How will the report be presented and will the formal written report also be submitted for the NoI. There is no need to reproduce the study for the second hearing.
3. The cost to attend 3 NoI meetings minimum should be added
4. As the bylaw includes the WPA and ToS wetland bylaw review the 40B scope should cover everything needed for the NoI review.
5. NoI riverfront regulations are more strict, the bulk of review is going to be on riverfront impacts and on impacts to wetlands 8+11
6. A dye test or some test is needed that would give a clear scientific answer to whether or not there is a connection between wetlands 8-2.
7. A study of the inlet and outlet for wetland 8, is it or is it not isolated, with scientific evidence, not opinion.

The review is continued to 2/27 at 9:30 PM

PUBLIC HEARING –New Forestry Application Review, Forestry Policy Review and discussion of proposed revisions, Wetland Bylaw and Regulations review and discussion of proposed revisions, discussion of proposed storm water control bylaw.

NEW BUSINESS

Tabled

OLD BUSINESS

Tabled

OTHER BUSINESS

Tabled

LETTER PERMITS

Tabled

CERTIFICATES OF COMPLIANCE

Tabled

Motion to adjourn, 12:20, unanimous