

# **STURBRIDGE CONSERVATION COMMISSION**

**Minutes for Thursday, March 6, 2003**

## **MEMBERS PRESENT**

J. Hoffman, E. Goodwin, D. Mitchell

The start of the meeting was delayed until 8:30 due to a snowstorm. Several of the early hearings were continued/taled to 3/20 but were pending site visits, which cannot be conducted until snow has melted further.

## **MINUTES REVIEW**

The minutes of November 7 and 21, 2002 were approved as amended.

The minutes of December, January, and February 6 were tabled till the 3/20 meeting.

## **CPA UPDATE, E. GOODWIN**

Tabled

## **CORRESPONDENCE REVIEW**

Tabled

## **DISCUSSION OF NEW INFORMATION**

D. Mitchell noted that he had called DEP regarding the new Corning hazardous release file notice from DEP. He noted that the DEP reviewer was new and was not aware of the previous filing. The representative stated that the TCE (TriChloroEthylene) site was a newly discovered site from the same previous release.

Approximately 20 tons of contaminant have been removed from the catch basin sumps. The new contamination site from the original release was reported to DEP in October. It is within 500 feet of 3 private wells. The levels detected are above the reportable limits for groundwater.

SCC members asked N. Ryder to call Corning and have them come in and fill the SCC in on the status of the DEP filing, the potential impacts to groundwater and resource areas and the plan to address the site.

D. Mitchell noted that the compound was found in the airspaces in the building also, so is under the building as well.

## **REVIEW OF SITE VISITS, SCHEDULED AT PREVIOUS MEETING**

Tabled, due to snow depth, few site visits have been conducted.

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

24 Old Town Way – Tabled to 3/20 at 7:20, the site is waiting for enough snowmelt to conduct a site visit.

Sanderson – 94 Paradise Lane –The SCC reviewed the request from S. Sanderson to install a 2000-gallon tank with an overflow. As there is no new construction allowed on a tite tank, and the project qualifies as a new construction, BoH is requiring a temporary tank with an overflow. Town sewer is approved for the road, but will not be installed immediately. As the existing tank is in extremely poor condition, the BoH feels the measure is in the best interest of the health of the residents and the lake. The alarm is set at one foot over the outfall, so that if the tank backs up, it sets off an alarm in the house and can be pumped immediately. M. Farrell noted that the tank technically qualifies for a waiver letter due to the fact that they can tie into the incoming town sewer. The BoH does not want to set that precedent. The SCC approved the request for the amendment as they had already approved the tite tank replacement. Conditions that the tank is to be pumped every two months at a minimum, the tank is to be sealed and converted to a tite tank if town sewer is not connected by

12/04, and if a problem arises resulting in sewer discharge to the ground the tank is to be sealed immediately. The amendment was approved unanimously.

Preserve – Bonding and Conservation Restrictions – Tabled to 3/20 at 9:30.

### **MINOR WALK IN REQUESTS**

None.

### **PUBLIC HEARING – NoI cont. – Brian Caron for single family home construction and related at 92 Brookfield Road**

Tabled to 3/20 at 7:10 PM. The SCC is waiting for snow to melt enough to be able to take a site visit to confirm wetlands boundaries.

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

Tabled to 3/20 at 7:10 PM. The SCC is waiting for snow to melt enough to be able to take a site visit to confirm wetlands boundaries.

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

### **PUBLIC HEARING – NoI cont. - Green Hill Engineering for lot 13 of land previously known as 143 McGilpin Road for construction of a single family home and related.**

Tabled to 3/20 at 6:00 PM. The SCC is waiting for snow to melt enough to be able to take a site visit to confirm wetlands boundaries.

### **PUBLIC HEARING – NoI cont. - Green Hill Engineering for lot 14 of land previously known as 143 McGilpin Road for construction of a single family home and related.**

Tabled to 3/20 at 6:00 PM. The SCC is waiting for snow to melt enough to be able to take a site visit to confirm wetlands boundaries.

### **PUBLIC HEARING – NoI cont. – 145 McGilpin Road for construction of a single family home and related.**

J. Hoffman opened the public hearing. Present was M. Farrell. The SCC is waiting for snow to melt enough to be able to take a site visit to confirm wetlands boundaries. The temporary construction road also needs additional detail and site review. M. Farrell noted that the temporary road was proposed due to the steep slope from the home, down to the septic location. He did not think the trucks would be able to make the steep grade otherwise. D. Mitchell confirmed that trees would need to be cut to construct the road. The hearing was continued to 3/20 at 6:00 PM.

### **PUBLIC HEARING – NoI – Green Hill Engineering, for Waraika, for 220 Cedar St. SFH and related.**

J. Hoffman opened the public hearing, present was M. Farrell and R. Waraika.

M. Farrell outlined the home location near the turnpike on Cedar Street. He outlined the associated wetlands, the 100-foot and 200-foot buffers. He noted that lot was flat and heavily vegetated. The area directly abutting the wetland contained dense Mountain Laurel; the wetland was dense with high bush blueberry. The majority of the lot, 36 acres will remain as chapter 61 A land. 1 acre was taken out, to build a family home, a process allowed under the chapter 61 regulations. The lot has 150 feet frontage and is 230 feet deep. M. Farrell outlined the limit of work as shown on the plan. R. Waraika outlined his plan to build a home for his son. He

noted that the home would be 75 feet off Cedar Street; he outlined the home, garage, septic location, lawn area on the home side away from the wetland and the wetland location. He noted that the lot was covered with brush but he had cleared it to allow the BoH to conduct perc tests. He noted that the BoH had told him that if the lot was not easily accessible, and more than one perc location cleared, they would leave and he would have to pay for another perc test.

D. Mitchell asked for detail on the swale. M. Farrell noted that the drainage into the driveway levels at a dip in the driveway. R. Waraika stated that there would be no cuts and no fill. The lot drops down off Cedar Street slightly. Water flow heads in a NE direction away from Cedar Street. D. Mitchell asked for a gravel pad to be installed at the entrance to the driveway to prevent erosion into the road.

The SCC continued to discuss the site with R. Waraika.

The hearing is continued to 3/20 at 6:00 PM. If ground conditions permit a site visit will be taken in advance of the continuation.

**PUBLIC HEARING – NoI – Green Hill Engineering, for Gosselin, for lots 10 and 11 of 388 New Boston Road, for single family home construction and related.**

J. Hoffman opened the hearing, present was M. Farrell.

M. Farrell gave the SCC a minor overview of the project. As two abutters had called in to say they could not attend due to weather, the hearing was continued to 3/20 at 6:00 PM for their benefit.

**PUBLIC HEARING - NoI – Green Hill Engineering, for Tom and Claudia Bill, for 9 Woodside Circle, septic repair.**

J. Hoffman opened the public hearing, present was M. Farrell.

M. Farrell outlined the resource area, the 100-foot buffer, the existing septic system, which was failing, and the location of the proposed system. The proposed system is on the opposite side of the home from the wetland and further from the resource area. D. Mitchell asked if the system area was to be mounded. M. Farrell stated it would be slightly raised, 6 to 12 inches. The soil is cobble and will be excavated down; sand placed then the system constructed on top. D. Mitchell will conduct a site visit to confirm the details of the site. The hearing is continued to 3/20 at 6:00 PM, to review D. Mitchell's observations, to close the hearing and to issue a decision. The SCC unanimously agreed that if D. Mitchell was comfortable with the site, the project would be approved.

**PUBLIC HEARING – NoI – Green Hill Engineering, for Swiacki, for SFH and related at 2 Champoux and 145 Brookfield Road, (aka Rte 148).**

J. Hoffman opened the public hearing, present were M. Marcus, W. Swiacki and M. Farrell.

M. Farrell outlined the house areas, the access to the properties off Champoux Road and Route 148. He outlined the Isolated Wetland and the 25-foot no disturb buffer. He noted that the driveway for 145 Brookfield Road was long so it could cross grade and create an easier slope. 145 Brookfield will have a private well and town sewer. 2 Champoux will have town water and sewer. The SCC agreed that a site visit will be needed to confirm the site conditions. A delineation had been conducted in 2001 and is current. The hearing is continued to 3/20 at 6:00 PM to close and issue a decision based on a site visit.

**PUBLIC HEARING – NoI cont – New England Environmental, for Swiacki, for Whittemore Woods Subdivision Infrastructure**

**PUBLIC HEARING – NoI – New England Environmental, for Swiacki, for Whittemore Woods Subdivision for single family homes and related.**

**PUBLIC HEARING – NoI – New England Environmental, for Swiacki, for 96 Fairview Park Road for single family home construction and related.**

J. Hoffman opened the public hearings. As all three NoI's relate to the same property, all three were discussed simultaneously. Present were M. Marcus and W. Swiacki.

M. Marcus noted that he would like to focus on 96 Fairview Park Road, but first he asked if the alternatives analysis was acceptable. D. Mitchell noted that many alternatives had been outlined. E. Goodwin said that while the alternative presented had less impact than some of the others, he still had an issue with the fact that no alternatives had even been considered without impact. He noted that no alternatives had been presented which called for no impacts off Whittemore Road. E. Goodwin stated that he preferred a least impact alternative, but the Planning Board rejected the one lower impact alternative presented.

D. Mitchell stated that there were actually two questions being asked. One, was a thorough alternatives analysis conducted. Two, is the project as presented to the SCC permissible and does it meet reasonable use. Those present agreed that a thorough alternatives was submitted to the Planning Board. There was no consensus on whether or not the plan submitted was permissible based on current regulations, laws and bylaws.

M. Marcus asked the SCC to move on to lot 96. N. Ryder noted that this lot and the other 6 ANR lots were all part of the overall use of the property being reviewed. She questioned if the storm water hydrology included the ANR lots. M. Marcus said storm water was being considered for the lot but was not part of the infrastructure. D. Mitchell asked for clarification. M. Mitchell said all storm water on the subdivision goes into 4 detention basins before leaving the site. E. Goodwin clarified that the ANR lots did not. M. Marcus said no, because they were not on the roadway. J. Hoffman asked if there were drywells on site. Yes, the house has roof drains and infiltrates runoff.

He outlined the lot, the distance to the wetland below the lot and noted that there was only one flat upland area on which the home was proposed to be built. The home will be 94 to 96 feet from the wetland. The driveway is designed to wrap around the trees on site. The limit of clearing to the wetlands is 58 feet. No ledge is on site.

M. Marcus stated that he incorporated the use of silt fence on site rather than hay bales to eliminate invasive species such as loosestrife and canary grass from causing problems in wetlands. He noted that he avoids hay from unknown sources.

D. Mitchell asked what other alternatives to hay he would recommend. M. Marcus noted that mulch bags worked and were used on Mass Highway projects. A follow up chemical analysis had been conducted showing the only problem with the mulch bags is that they cannot be put in direct water flow areas as they lift up with the water. The mulch bags come in biodegradable onionskin bags. He noted that the bags contained partly decomposed wood chips. When the work is complete, the bags are slit at the ends and are left to naturally decompose. He felt they were a great product.

M. Marcus asked if the SCC had any issues with 96 Fairview Park Road. N. Ryder asked the SCC to consider a few points prior to answering. She noted that the ratio of upland to wetland on the Open Space Parcel was extremely deceiving. The property was built out to the edge of a steep slope leading directly down to a wetland. Property lines in many areas come to 25 feet from the wetland. As trails are reportedly to be incorporated into the "Open Space" parcel this would need to occur in the 25 foot to 50-foot buffer, all of which is on private

property. She noted that in some areas there was not enough room to construct a walking trail around the resource area without directly impacting it. She noted that in addition to that, the SCC would inherit all the dumping and runoff problems from single-family home use on a steep slope directly above the wetland "Open Space" parcel. N. Ryder noted that in earlier discussions, the SCC office had been told that there would be a reasonable amount of upland left intact with the wetland to provide a unique, historical and environmentally important passive recreation trail, incorporating the unique wetland and the historic stone ponds. Based on this the SCC had noted to the Planning Board that they would be interested in holding the open space parcel for the subdivision. She noted that the buildout was so close to the resource area and directly above steep slopes to the resource area, that the value as public open space was eliminated by the proposal submitted. She stated that the SCC should not take possession of a wetland that would be little more than a maintenance issue with abutting private property. The open space as presented should be handled through a neighborhood association as with Draper Wood as it would not benefit anyone else. W. Swiacki told N. Ryder to not give up on the idea of trails. He noted that a neighboring parcel to the other side of the wetland could possibly be acquired/bought by the town to provide upland with the wetland on this parcel. N. Ryder stated that any formal decisions were deferred to the Commission but should include the overall use of the property in relation to the impact on resource areas. She also suggested that the SCC reconsider an earlier decision to take on the open space as public land. N. Ryder discussed the issue of parking and public access, she noted that there were no areas left, which could be used for public access. W. Swiacki suggested that an agreement could be worked out with the shopping plaza, as there were many parking spaces there. N. Ryder noted that with 127 A Stallion Hill, not only public access, but ADA compliant facilities were required. J. Hoffman asked for additional information on any requirements, as he was unaware that there were any. N. Ryder said she would forward the data from the public access needs for 127 A Stallion Hill.

D. Mitchell noted that he was not concerned with the homes impacting the wetland, as it was 75 feet or more from the developed areas. He felt the probability of dumping would be less than that for Stallion Hill. He did not feel however that there should be a narrow strip of protected border around the wetland. D. Mitchell felt it should be larger. J. Hoffman noted that Walker Pond incorporated a 10 foot easement strip around the pond. M. Marcus noted that the lots ended at the toe of slope. N. Ryder asked how far the horizontal traverse is for each lot. M. Marcus noted that the slope averaged 45°. W. Swiacki stated that the horizontal distance varied from lot to lot.

E. Goodwin noted that the area was not buildable, he suggested that the back of the lots could be protected with a conservation easement and deed restricted. W. Swiacki noted that if that was done, the homeowners would be notified at the closing and would know they had to go to the SCC to do any work. He noted the purpose is to prevent cutting trees. E. Goodwin noted it was also to prevent push and fill from occurring over the bank. M. Marcus noted that there would be a 75 to 100 foot buffer due to the slope and the inability to develop on it. E. Goodwin noted that it would still not be public land or available for public use off the wetland resource.

N. Ryder noted that for Draper Woods J. Hoffman was opposed to supplying protected conservation land for the benefit of direct landowners only. He had advocated a homeowners association and questioned why the town taxpayers should foot the bill. She asked what the difference was here and noted that there was none.

W. Swiacki discussed the two lots immediately above the manmade stone ponds. N. Ryder noted that D. Barnicle had noted that the access road was immediately adjacent to the pond and would disrupt the area. There was no way the ponds would not be disturbed, as the road was immediately adjacent to the ponds. W. Swiacki noted that he was trying to get a secure easement to access the road from behind the Ames Plaza and run it between the ponds. N. Ryder asked how that would improve the conservation protection to the area to have an access road running directly through the one small upland area being provided with the wetland. W. Swiacki noted that it might be possible to zigzag through from the main road but the slope was extreme and it would

take some work. N. Ryder noted that having to locate the detention basin drive where it was, was a self imposed hardship, she noted that if the developer had not designed with maximum buildout above the slope, the access road could be put through from the top and a reasonable upland border provided to the wetland.

M. Marcus asked if the SCC was prepared to issue a decision on 96 Fairview Park Road. E. Goodwin stated that all impact areas will be considered in the final decision based on the cumulative impacts. This includes the 7 ANR lots already being built out.

M. Marcus noted that there may be opportunity for public parking on the gravel access road to the detention basin. A pocket parking area could be created. J. Hoffman stated that he needed to see the regulations relating to public parking access. He noted that he was not disagreeing that there would be a need to provide public access if the land was public conservation land, but he needed to read the regulations. N. Ryder said she would forward the information from the previous land deal. M. Marcus stated that he had never really seen the land as land to draw people to. D. Mitchell stated that was usually the purpose of public access conservation land. He noted that a trail with man-made ponds would likely attract families and bird watchers. M. Marcus agreed that it would make a wonderful pocket park. N. Ryder asked where they saw that happening with the current proposal.

W. Swiacki stated that the 25-foot strip along the wetland at the base of the hill. M. Marcus noted that with the wooded hill there would be 70 to 100 feet.

E. Goodwin stated that the subdivision was a buildout with wetlands attached. He noted that if parking is needed that would throw a curve ball, but even without, there is not much open space conservation upland included.

M. Marcus stated that the SCC could continue the hearing for 96 but he did not believe the house construction would impact the public use or conservation aspect of the man made stone ponds. M. Marcus asked if the SCC wanted to continue the hearing for 96. E. Goodwin stated it was his option. M. Marcus asked for a continuation to 3/20 and again to 4/3, for 96 Fairview.

J. Hoffman stated that the SCC needed to start a checklist as used with the previous subdivisions to that both parties were clear as to what additional information was needed. M. Marcus and W. Swiacki agreed that would be helpful. J. Hoffman stated that it was not fair to the applicant, the engineer or the Commission to not have a working review plan.

M. Marcus stated that he had created reduced versions of the overall plans for infrastructure and homes. D. Mitchell and W. Swiacki discussed the rocky outcrops noted on the plans. W. Swiacki stated that more in depth tests had been conducted in some places due to the earlier proposal to construct detention basins in those locations. D. Mitchell asked for that layer to be turned off if it was not consistent across the entire property.

M. Marcus noted that when the SCC was ready to discuss Storm water in more detail, he would have Paula come back in to explain additionally. He noted that there were 4 basins on site sized for the 100-year storm. There will be no runoff from the site. Each home is designed with roof drains into drywells. All discharge from the single-family home lots is into wetlands from 3 of the detention basins. All runoff into detention basins goes through vortexnix units prior to entering the detention basins. The basins are designed as extended wet basins, with sumps and are designed to stay moist. D. Mitchell noted that the 4<sup>th</sup> detention basin discharged across the street. W. Swiacki stated that it ties into the drop inlet from 78 Fairview Park Road and then into the wetland across the street. ???? asked if G. Morse and DPW had approved this. D. Mitchell asked if Fox Run tied into the same system. W. Swiacki said no, but G. Morse added a headwall with a tie in to the surface sheet

flow from the Cul-de-Sac at the end of Fox Run. He referenced the stone lined channel on sheet 1 of 5. E. Goodwin asked if the runoff was stabilized on Fox Run.

M. Marcus noted that the SCC had expressed concern with the number of waivers to the 25-foot buffer requested. He noted that he had tweaked the project and eliminated most of these. He referenced sheet 2 of 5 and noted that for the scour channel on lot 20, he had created a step pool in the gully channel. He noted that the rocks and boulders would create a similar look to a mountain stream down a rocky drop off. A similar step pool idea will be used on the Northern side of lot 20; he noted that he would also like to do the same to the east of the property. Kingman owns the property; M. Marcus noted that it would control the runoff and sediment coming in from that area.

D. Mitchell asked if there would be any cutting of canopy along the stream scours. M. Marcus said there would be, but only the trees leaning into the channel. Those that will be cut would have fallen in anyhow.

M. Marcus asked the SCC to review the plans and send any comments or questions to him so he could start addressing them. N. Ryder stated that if the SCC sent comments to the office she would have a checklist ready for review for the 20<sup>th</sup>.

M. Marcus and D. Mitchell discussed the bank replication.

The public hearing, for all three NoI's is continued to March 20 @10:10 for a discussion of items, which needed to be addressed, and for creation of a working checklist based on current submittal and discussion. The hearing will be continued again after that to April 3 at 7:30 PM.

**PUBLIC HEARING – NoI cont.- Jalbert Engineering, for 53 Beach Ave, for single family home addition and related.**

J. Hoffman opened the public hearing. Present were E. Neal and R. Ricard. R. Ricard presented two plans showing the project pulled back in line with the existing home and further back within the 50-foot buffer. He asked which the SCC would prefer. E. Goodwin stated that both plans met the concerns of the SCC and the choice was up to the landowner. J. Hoffman and D. Mitchell agreed and noted that the concern was with keeping the line further from the lake and in line with the existing home. E. Goodwin stated it was not what the Commission wanted to see on the property but was a good compromise. The project was approved by unanimous vote with the stone patio. An OoC amendment will be issued and sent to E. Neal for recording.

**PUBLIC HEARING – NoI cont.- Cullinan Engineering, for J&W Company, for Stallion Hill Village, 52 Stallion Hill Road**

The hearing was tabled to the end of the meeting, if time permitted. At that time the SCC discussed the new information relating to environmental issues on site and the applicants request that all site visits be arranged through the property owners. The discussion was lengthy and centered around the need to conduct the bulk of the habitat and endangered species review during the months of March and April. The SCC unanimously agreed to submit a formal letter to the applicants outlining the concerns of the SCC, dated March 6, 2003. The letter is regarding a "Request for continuation for 52 Stallion Hill Notice of Intent filing for Stallion Hill Village", and is available on request.

**PUBLIC HEARING – Discussion of conservation issues relating to the Chapter 40B, Comprehensive Permit Application for Stallion Hill Village submitted to the Zoning Board of Appeals by J&W Company.**

Tabled until notice is given by ZBA that the hearing is either continued or not.

**PUBLIC HEARING –New Forestry Application Review**

**NEW BUSINESS**

Tabled

**OLD BUSINESS**

N. Ryder noted that M. Suprenant was waiting for the approval from the Commission for the wording on the lot covenant. The SCC noted that the wording was fine, but questioned the stated value of the lots. N. Ryder will check with the assessor's office.

N. Ryder noted that M. Suprenant had reported that they had installed a propane heating system to work on the detention basin retaining wall.

**OTHER BUSINESS**

D. Mitchell suggested that the SCC write a proposal for seniors to work for the Commission with the tax incentive program. There is a large amount of back filing and case summary updating that needs to be done.

**LETTER PERMITS**

**CERTIFICATES OF COMPLIANCE**

A motion to adjourn at 12:00 was approved by unanimous vote.