

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, April 3, 2003

MEMBERS PRESENT

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

7:00 PM

MINUTES REVIEW

The minutes of February 27, March 6, and March 20 were reviewed and approved as amended.

CPAC UPDATE, E. GOODWIN

E. Goodwin stated that the appraisal for the J&W land came in at \$665,000.00. He read a letter from J. Malloy to the CPAC stating that Tighe and Bond was conducting a sampling of the property to screen for toxics and waste at a couple of the dump sites where old rusted barrels were. Some positive indicators of hazardous material have been found. No purchase and sale agreement has been signed yet. T. Jones apparently told the CPAC that he might want more money as he has a potential buyer willing to pay one million for the property.

E. Goodwin noted that the Democratic Town Committee is hosting an award dinner for Senator Brewer on Saturday night at the VFW Lodge, admission is \$10 and walk-ins are encouraged.

CORRESPONDENCE REVIEW

Correspondence was reviewed and included; a packet of information from Opacum Land Trust relating to Open Space, and Conservation Options for land owners; A Trust for Public Land Newsletter; Dialogue for the Future notes from J. Malloy; Becoming an Outdoorswoman Newsletter; A memo relating to Open Space at the Preserve from B. Moss; A surplus property auction notice; A copy of the 3/26 letter to Swiacki and NEE regarding Whittemore Woods; A site inspection report for the Preserve from EcoTec; A letter to J&W regarding environmental reviews for Stallion Hill; A letter to B. Moss and C. McGregor regarding bonding and open space issues; The Green Valley Institute Annual Report; A memorandum from John Desmond regarding the FY04 French Quinebaug work plan.

DISCUSSION OF NEW INFORMATION

Tabled until the April 17th meeting.

REVIEW OF SITE VISITS, SCHEDULED AT PREVIOUS MEETING

D. Barnicle conducted site visits to 272 Big Alum Road. The shed is within the 50 foot no structure buffer and will require a permit application and formal hearing. He also went to Paradise Lane regarding land clearing for a lake association beach. A Notice of Intent will need to be filed. While at the lake he noted that 266 Big Alum Road was highly unstable and needed erosion controls repaired.

Site visits were conducted on Sunday, March 23, to;

Lots 13 and 14 McGilpin Road, the wetland delineation was fine, the potential vernal pool was looked at briefly. All disturbances are to be outside 70 feet from the wetland, after grading for the septic system, a permanent 100-foot buffer will be maintained and Mountain Laurel planted to the 100-foot buffer;

145 McGilpin Road, the home and septic location were no problem. The temporary road was removed and relocated behind the home location. The plans to regrade the existing crossing are to be submitted to the SCC for review and approval prior to any work;

10 Gifford was looked at briefly to familiarize the SCC with the site, for the hearing continuation, as there was time to spare prior to the next scheduled site visit at 174 Charlton Road. Two streams, flowing heavily, were noted directly behind the home and approximately 50 feet back. There was a wetland noted as being adjacent to and directly under the home;

174 Charlton was walked, present were M. Loin, and the Ciesla Gang. The majority of the site is disturbed already. The location of the detention pond was questioned, with all the disturbed area, what was the need to disturb additional bank to a protected wetland/pond. Information on the nature of the discharge noted directly to the pond was questioned. An overall site stabilization plan to stabilize the open disturbed soils was requested.

2 Champoux and 125 Brookfield were looked at. No wetlands issues were observed. Issues discussed were stonewall habitat and the nature of the engineering feat needed to bridge the slope down to the flat area of the lot.

Site visits were conducted on Friday, March 28, to;

24 Old Towne Way. No problem, the work is approximately 140 feet from the edge of wetland. Wetlands were flagged slightly conservatively in favor of the developer and not the wetland, but the formal delineation will be conducted with 22 Old Towne Way and will be corrected there. The work is still more than 100 feet from any resource. No further disturbance is allowed past the current edge of disturbance.

M. Farrell and B. Griffin were present at 2 Champoux and 145 Brookfield Road so the site was reviewed again. Still no wetland issues. The wet seep in the center was completely dry. The stonewall between the wetland and the project site will not be disturbed. The second stone wall lying through the property from 148 will be disturbed as little as possible past and not at all past the work site.

The detention pond at Allen Homestead was checked; the wall is starting to degrade and is still not properly constructed but is working properly. A propane gas tank is on the berm side of this detention pond. It needs to be removed.

Site visits were conducted on Saturday, March 29 to;

388 New Boston Road, lots 10 and 11. Present were C. Yorzyk and M. Farrell. The wetland was delineated, and noted to be conservative in favor of the wetland. The streams were noted and shown correctly. Most work will be outside the 100-foot buffer except the driveway. The stonewall running between the driveway and the wetland is to remain intact and shown on the plan. The grading and extent of work for the driveway within the 100-foot buffer to the wetland is to be shown on a revised plan.

Sturbridge Isle Truck Stop, present was M. Loin. The SCC discussed the site; the retention basin is to be built up correctly so that water flows to the treatment/catchbasin rather than out across the grassed area. The area surrounding is to be re-loamed and re-seeded. Plans to put in a safety fence above the armored channel are to be submitted for review and approval prior to installation. The armored channel is to have several check dams installed to slow and disperse any potential heavy storm flows from impacting the unstable bank between the channel and the river. A seeded mat will be placed along the bank between the river and the parking area to try to stabilize the bank.

92 Brookfield Road was visited. The plan is to install a steel bridge over the wetland. The SCC noted that to do that in the location shown, the vegetation would have to be cut, creating an impact, which could not be allowed. The issue will be discussed with B. Caron at the 4/3 hearing continuation.

124 Clarke Road was visited for delineation. Issues were, the delineation of the wetland, the impact necessary to construct a driveway through and the minimal amount of appropriately located land left on which to successfully replicate the disturbance.

184 Fiske Hill -

MINOR WALK IN REQUESTS

None

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. All three were discussed together as they were interrelated. Present were M. Marcus, W. Belec and W. Swiacki.

M. Marcus noted that the hearing would likely end in a request for continuation but before that happened he noted that he would like to hear and understand the issues the SCC had with the project so he could take them back and work on them. He asked to discuss 96 Fairview Park Rd first.

M. Marcus noted that he did not attend the last meeting, because he believed it would be a working session of the Commission to develop a checklist. If he realized the SCC would be moving back to the alternatives and previous discussions he would have attended. He noted that he and W. Belec had read the draft minutes submitted and the Commissions comments and now they needed to respond to the letter. He noted that they did not have any answers yet but needed to understand the Commissions thinking.

J. Hoffman noted that allowing up to 5000 sq. ft of disturbance was at the discretion of the Commission. He stated that he believed that the SCC should be looking at the best way to develop any parcel before them to minimize the impact to wetlands. He used Draper Woods as an example. He noted that impacts to wetlands were minimized. While the crossing was allowed, the overall condition of wetlands on the property was improved. He noted that was not there with Whittemore Woods. He felt there were tremendous impacts and noted that the SCC would have had to create a very long checklist or focus on the main issue, which was acceptance of the crossing. He stated that whether the crossing was there or not, the project still contained all the negatives; it was not a benefit (overall to the wetlands) to having the crossing, as it was in Draper Woods.

J. Hoffman asked the other Commissioners for their opinions.

D. Mitchell stated that he agreed that the crossing was without any benefit to the wetlands. He believed there would be a cumulative effect on hydrology and water quality that would impact the lower wetland quality. He noted that the project was also a detriment to any greenway connections. He felt the project was giving up resource value without any return or replacement.

D. Barnicle agreed that the green corridor was a big issue for habitat even if not just for water, and noted it had been brought up previously. He also discussed his concern regarding the various water connections through the center of the property and the potential unknown impacts which would be caused by this project without further understanding what was there.

Discussion referenced the underground connections between flows and the significance to potential impacts downstream.

J. Michalek noted that the project essentially built a wall around the lower wetland, isolating it.

E. Goodwin said he thinks the major point is that this is a sensitive piece of property; the alternatives were brought to Planning not to SCC as a wetland alternative. He noted that Open Space had been referred to several times in regards to project discussion, but he did not see it. He noted that was secondary to the crossing issue. He noted that no one had come to the last meeting with the intent of issuing the letter that had been issued. It was the result of the conversation; if the SCC had realized that was the direction the conversation would take they would have placed a courtesy call to the applicant to make sure they understood the potential discussion. He stated that J. Hoffman had felt that leading the applicants on was unfair; the letter was an attempt on the SCC's part (a negative letter but a positive intent) to not take the applicant down a long expensive road with no intent of approving the project because of the crossing. E. Goodwin noted that in previous discussions (he did not know exact dates or specifics) but recalled that the understanding the SCC had and the reason the SCC agreed to hold the open space was that a historical open space park with walking area would be left around the historic ponds. He noted that this had disappeared in the submittal.

W. Belec stated that the original design called for a large open space, but it had been erased by the Planning Board. He noted that they had also met with the Planning Board to keep the area around the ponds green but the Planning Board had again shot down the attempts to keep green areas as part of the project.

N. Ryder explained to the applicants that the SCC was contacted by the Planning Board but could not comment on the preliminary project as DPW, fire and police could without violating public meeting laws.

W. Swiacki agreed with W. Belec and outlined the layout B plan he preferred but the Planning Board had turned down. He noted that it was not within his control and wanted to know what could be done to resolve the issues in the future.

N. Ryder stated that if the SCC was given the opportunity in public meeting to review and formally address and offer an official opinion based on environmental regulations, then the PB could have taken those issues into account as well with the same weight given police, fire, DPW etc.

W. Swiacki said there was a difference in purpose between preliminary and definitive????? He asked what could be submitted at the preliminary stage to the SCC.

The SCC and applicants discussed the possible ways to submit plans to the SCC without violating public meeting laws. RDA's for alternatives, public meetings, and filing a NoI with a long continuation between the alternatives aspect and the overall impact review were all discussed. J. Hoffman noted that the alternatives issue was not similar to a delineation. The SCC would need more detail than was present at a conceptual level. N. Ryder asked if the infrastructure layout was considered conceptual. No, D. Barnicle noted that it took a tremendous amount of time, engineering, and money to go from the conceptual layout to the infrastructure layout.

W. Swiacki noted that the point of access from Whittemore had been pointed out during the delineation review. D. Mitchell said that while the site was noted as a potential access, the SCC had no way of seeing the level of disturbance at that point. He stated the disturbance was discretionary, based on best professional judgment of potential impacts. D. Barnicle stated that he did not realize the size or location of the proposed crossing at that point either.

D. Mitchell, W. Swiacki and M. Marcus all asked what the solution would be. J. Hoffman proposed a discussion of concerns without being formal. N. Ryder stated that would violate public meeting law, as the SCC would be reviewing the same project as a Notice of Intent further down the road. In this case it was not the developer coming to the SCC with a proposal to make sure all regulations were addressed on the plan before it was submitted. The SCC was being asked to make a formal recommendation to another permitting board on a project without a public hearing. That violated the public meeting laws. She noted that there were possible solutions. One a public meeting to discuss the conceptual plan, with the understanding that no formal approval was being given, only issues discussed. The meeting would have to be posted and abutters notified. A second option is to open a joint public hearing with the Planning Board. M. Marcus noted that he had gone through joint meetings in other towns with some success. W. Belec stated that in other towns, a design review process addresses all the issues up front then goes on to each individual board with the details.

W. Swiacki suggested something less formal such as a meeting to address the issues. More formally, the SCC and applicant could have one or two good working sessions to give meaningful feed back on the larger issues. The concept could be addressed without all the detail. This way the SCC could give an informed opinion on various layouts. Strict compliance does not always give the best solution to the needs of the town. Various plans could be presented, one that follows the regs, and a second that requires some waivers but is better at resolving multiple issues. He stated that this would not bind the SCC on a NoI decision but would allow a better sense of the issues.

M. Marcus asked if a public meeting could be requested. Yes, as long as abutters were notified and the meeting posted if and decisions were being made or discussion was held that would result in possible decisions at a later hearing.

N. Ryder noted that the option to file an RDA for the alternatives aspect would also be allowable. A NoI for details could be filed after. D. Mitchell said the SCC would have to restrict that process to certain types of projects. They did not want everyone coming in.

(Part of the meeting discussion was missed at this point for, approximately 15 minutes).

J. Michalek stated that the isolated wetland and hydrology connections were big issues.

M. Marcus noted that there were no new concepts. He noted that W. Swiacki owned several parcel on Whittemore and Fairview. He could have filed them all separately. If Whittemore was filed separately the crossing could have come in as a limited project as the only access onto upland. E. Goodwin stated that was a good example to use the next time a project was submitted. Reasonable use would be a legal issue. N. Ryder stated that as W. Swiacki owned the land in common, he had access off Fairview; the SCC had legal grounds to consider the properties as one with reasonable access off Fairview. She noted that a limited crossing off Whittemore would not likely stand up as a hardship. J. Hoffman clarified that it would not hold up with the Commission; the applicant could appeal the decision. M. Marcus stated that denying the crossing goes against Planning Board regulations. N. Ryder stated that there were other options. She noted that PB also has waiver provisions, which have not been pursued yet, and could be at SCC request, based on environmental issues.

E. Goodwin noted that this was a feed back process. At this point the applicant needed to work with the SCC and know what they would be willing to permit. M. Marcus stated that there was an existing trail on the property, which could technically be used as an alternative crossing, which would shift work away from the ponds and wetlands.

D. Barnicle and M. Marcus discussed whether a continuation or vote would be in order for 96 Fairview Park Road. The Commission and applicant agreed that since the three applications all involved one comprehensive project, the continuation should be held for the whole project.

M. Marcus noted that a lot of work needed to be done before new concrete information could be submitted. He stated that he felt a site visit should be conducted with the Commission to reorient them to the site. He noted that W. Belec was the primary design person and that they would be working together. On the site visit they could all visit the wetlands, the scours, and the ponds. J. Hoffman suggested that they look at the critical areas with plans so they could identify key or crucial areas. D. Barnicle noted that they would want to look at the specific sites of the detention basins also. E. Goodwin asked if they were referring to the new plans or the same. J. Hoffman said they were discussing use of the rejected site plans for the visit as the key areas of concern were detailed. M. Marcus agreed that existing site plans would be useful and noted that anything coming in would have elements of the current plan.

A site visit to review the Whittemore side of the property is scheduled for Friday, April 11 at 4:00 to 6:00 or 6:30.

A public hearing continuation for the Nol's for infrastructure and house layout were requested and approved for June 5th from 7:30 to 8:30 PM.

M. Marcus stated that the hearing for 96 was open; he noted that they could request a continuation or discuss that one now. He noted that while the house was 100 feet from the wetland, there was concern over the cutting on the steep slope and the access road adjacent to the ponds. W. Swiacki stated that the access road was not part of the house plan. He said the SCC needed to help persuade the PB to shift the location. D. Barnicle stated that alternatives for the access road needed to be presented to the SCC before any further discussion. The access road was on the same property. N. Ryder noted that the property was part of a bigger subdivision the cumulative impacts would be considered. Any hardship self-imposed by the applicant due to lots constructed now would not be considered by the SCC. D. Barnicle said that if M. Marcus was asking, he would suggest a continuation to June 5th. When the SCC walks the Fairview side they will see that property also.

J. Hoffman stated that he did not want to inadvertently lock SCC into any future project due to what is decided now. E. Goodwin said it would not lock the SCC in; it would lock the developer out of future potential.

M. Marcus asked for a continuation to June 5th with the other Nol's. Granted.

M. Marcus asked for a preliminary meeting for the Estates North to discuss SCC issues. The meeting will be posted and abutters notified and is scheduled for May 1st at 7:30 PM. W. Swiacki reviewed the status of the Estates North and South filings with the PB. J. Hoffman asked why an alternatives analysis would be needed if there were no wetland impacts only buffer impacts. N. Ryder agreed that one would not be needed.

PUBLIC HEARING – NoI – Dulka for 31 Bennetts Road for single family home construction and related.

J. Hoffman opened the public hearing. Present were J. Dulka, Henry Marama, and Bob Cottone.

J. Dulka replaced plan page 2 and noted that some of the vegetation was missing from the plan. He signed the plans submitted. J. Hoffman confirmed that the wetland noted was the lake and not BVW. Correct. J. Dulka outlined a natural drainage swale that directed flow when it rains. He outlined the existing structure and noted it would be replaced with a structure with a smaller footprint. He outlined the 25 foot, 50 foot and 100 foot

buffers and noted the 200-foot buffer was off the property. He stated that while the home could be moved outside the 50-foot buffer, the area the home was on was already open and would be disturbed. The area outside the 50-foot buffer was heavily treed and would require removal of a great deal of vegetation. He noted that, as the home was further back and no larger than a waiver be given to avoid tree cutting. J. Hoffman confirmed that the new structure would be no closer to the lake than the existing. Correct. J. Dulka said it would be slightly further back. J. Hoffman noted that if the footprint was smaller and further back a waiver would not be needed. J. Michalek reviewed the square footage of the existing and proposed homes and confirmed that including porches and other impervious areas the existing home was 1,200 sq. ft and the proposed was slightly less than 1,500 sq. ft. The SCC discussed the addition of a second floor. J. Hoffman noted that height was not an SCC issue, footprint was.

D. Barnicle reviewed the grades and questioned the water flow through the swale. He noted that the road was 10 feet higher than the water. He noted that as the site was being rebuilt the swale should be an integrated part. J. Dulka noted that a perimeter drain was being proposed.

The SCC and applicants discussed the house size. J. Dulka stated that since the home was on a title tank the proposed home could not exceed the two-bedroom capacity it now had. The size was deed restricted. N. Ryder questioned how new construction could be allowed on a title tank. Wasn't that the issue with Sanderson? J. Hoffman stated that if there is no increase in footprint or bedrooms, it is not considered new construction. A letter from BoH is required prior to closing stating that the site meets Title 5.

J. Hoffman asked if there would be any site work. No. Grading for driveway. No. Excavation for basement? Yes. He noted that erosion control would be needed below the line of work. J. Dulka and the SCC discussed erosion control.

D. Mitchell asked what the porch foundation would be. Sonatube piers. He clarified that they would need to be installed without going into or disturbing the 25-foot buffer. B. Cottone said that should not be a problem, they were being dug by hand. D. Barnicle clarified that the siltation was the limit of work, and was the edge of the no disturb buffer. He clarified that no vegetation would be removed or disturbed within the 25-foot no disturb buffer. J. Dulka agreed.

J. Hoffman noted that the applicant had done a very good job presenting the project and reviewing the alternatives and potential impacts

The SCC discussed hay bales vs. a trenched silt fence at the 25-foot buffer. D. Barnicle preferred hay bales as it eliminated the trench and post construction disturbance near the 25-foot buffer. D. Mitchell felt hay bales would provide a better barrier to disturbance of the 25 feet and noted that when properly installed created minimal disturbance. The choice is up to the applicant. The erosion control will need to wrap up and around the edge of the home. A revised plan showing the changes will be submitted to the SCC. D. Barnicle asked if the stonewall would be removed. B. Cottone said he would try to preserve it, but due to the proximity it would likely have to go.

J. Hoffman asked if there were any further questions. None.

A site visit will be taken on 4/12 if staked if the site is staked. The hearing was continued to 4/17 at 7:00 for closure and issuing a permit if the revised plan is submitted. If issues arise during the site visit the hearing will be continued again to May 1.

PUBLIC HEARING - NoI cont.- Faist Engineering for ExxonMobile for septic system repair at 236 Old Route 15.

J. Hoffman opened the public hearing. The applicant was not present. No new issues had come up. The hearing was closed and a permit issued for the project with conditions by unanimous vote.

PUBLIC HEARINGS –

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

J. Hoffman opened the public hearing. Present were B. Caron, Todd P. Girard and C. Rizzy.

D. Barnicle asked if B. Caron had brought a magnifying glass to read the print on the plan. No. The print on the plan needs to be submitted in a readable format.

B. Caron introduced T. Girard and noted that he had been hired as a wetlands specialist for the replication details.

T. Girard stated that he had just been hired and had not been to the site yet to review. He asked for the Commissions remarks on the delineation and flagging of the roadway.

D. Barnicle noted that the SCC first needed to talk about the crossing, whether it was good, bad or something else. He noted that the issue of 3 separate replication areas was also a concern. He noted that three separate small isolated areas were more likely to fail. He noted that the replication area on the Rizzy property looked very good and was showing signs of succeeding. He felt the replication area needed to be revised into one large area if possible.

T. Girard and D. Barnicle discussed the type of wetland, the stream running through it and the direction of water flow. D. Barnicle noted that a drainage swale along Clarke road is not shown. The stream crosses Clarke and feeds the northern part of the wetland on Draper Woods property.

T. Girard noted that the replication ration was 2:1 and that he would look at that. J. Michalek and T. Girard discussed locating the replication as one large area adjacent to the Rizzy replication site.

There is a concern that what ever is proposed or accomplished on this property, it not act as a barrier (dam) for the water movement required to maintain both wetlands as a contiguous whole. Whatever is permitted, if anything, it must result in no net wetland loss, and no loss of already establishing replication area.

T. Girard confirmed with B. Caron that the plan used a concrete pipe rather than a box culvert. B. Caron said it did. T. Girard noted that a 3:1 slope out of a wetland seemed steep. He noted that it was a fairly decent slope for wetland type animals to have to climb up. Amphibians and turtles would have a harder time.

E. Goodwin, D. Barnicle, and J. Michalek discussed allowing a second crossing for a third single-family home on what had been one property. They discussed whether the addition of one more crossing exceeded reasonable use due to the heavy wetland impacts involved. B. Caron objected to a denial noting that he had not received any warning when the original crossing was approved that this might be an option. He noted that a motion had been made in 1997 but no vote taken. B. Caron stated the SCC had no right to impose no crossing for the lot now. J. Hoffman noted that regardless of previous discussion the alteration of up to 5000 sq. ft of BVW was at the Commissions discretion and would be based on potential impacts to the wetland balanced with whether or not they can be avoided and on reasonable use of property.

T. Girard noted that only 1350 sq. ft of fill was proposed so far, under the 5000 sq. ft threshold. He asked what DEP guidance had indicated so far. J. Hoffman noted that was an undetermined position. D. Barnicle noted that 1350 sq. ft of alteration was proposed for this crossing. The previous crossing and alteration of what had been one property needed to also be considered in determining reasonable use vs. wetland impact.

E. Goodwin stated that the SCC did not allow stockpile areas within 200 feet of wetlands. The owner was stockpiling within 25 feet of the wetland. He felt that these issues needed to be resolved first. T. Girard asked what was being stockpiled. E. Goodwin noted a truck and ground stone. B. Caron noted that they were tailings and were there for the start of the driveway. J. Hoffman noted that E. Goodwin was correct and stated that the SCC did not allow stockpiling within the 200 foot buffer, without a permit and without erosion controls.

T. Girard asked if the SCC wanted to see a specific planting and soil schedule. He asked if the SCC required the wetland scientist on site during construction of replication areas. Yes. He noted that he preferred to work with the vegetation on site as the work was being conducted rather than show specific locations for plantings in order to save as many trees and canopy as possible. D. Barnicle cautioned that that discussion was premature at this time. He noted that until the SCC reached a consensus that the crossing would be permitted, details regarding replication were premature.

T. Girard asked when the lots had been subdivided. B. Caron said sometime in 1997, he would have to look to see. E. Goodwin noted that the original property totaled 8 acres.

C. Rizzy noted that on the plan the project would require almost 4000 sq. ft of replication in order to meet the 2:1 required by town bylaw regulation. He noted that he did not think that would be possible in that location. He noted that on the abutting two parcels, B. Caron was to have completed replication, it had never been finished and he had to replicate in order to be in compliance. He noted that when he came in for that he was told by one of the Commissioners that there would be no further work allowed. He noted that the proposed project has 4 times the replication needed than his lot. B. Caron stated that the property in question was down gradient from the Rizzy property. There would be no impact on his lot. J. Hoffman noted that C. Rizzy had a right to express his concerns to the Commission. C. Rizzy noted that because the lot was down gradient, he was concerned about the project draining his wetland and replication area. He noted that would be a serious problem for him to have to replicate what should have been done by B. Caron, a second time.

D. Barnicle noted that he was in agreement with C. Rizzy's point. He felt that if the crossing was permitted, in order to prevent that from happening, the replication areas needed to be contiguous as the wetland they were impacting was the same and would be hydrologically connected.

T. Girard asked if the driveway was the minimal width allowed in town. B. Caron said yes, 10-foot asphalt drive with 3:1 slopes on each side. E. Goodwin stated that the original property was 8 acres he wanted to know how many crossings would be allowed. He noted that on Leadmine, the SCC had permitted 1 crossing for 2 lots on over 20 acres. J. Hoffman noted that was a different case, the applicant had only asked for 1 crossing and two lots and received a permit for it. If they came in for more the SCC would have had to consider it based on it's own merits. E. Goodwin stated that he would hate to see another crossing on this property. One had been allowed; the impacts proposed were more than was reasonable. J. Hoffman noted that the landowner had the right to pursue additional lots if he chose. The SCC had to chose whether to permit it or not. E. Goodwin noted that if he created another hardship to the wetlands, the SCC would have to live with that. J. Hoffman noted that Ed had a good point and noted that the regulations allowed reasonable use but also noted that if on one property 1 crossing allowed 2 lots, but 2 crossings allowed 12 lots, 2 crossings may be reasonable. If 500 crossings were requested for 500 lots that would not be reasonable. It was on a case-by-case basis. The allowance of alteration was at the discretion of the Commission.

J. Michalek asked if there were any other alternatives to the crossing. B. Caron said through a Right of Way across the Ryder property in back. N. Ryder noted that as one of the landowners she had comments to make as an abutter. The ROW only extended halfway through the former lot and only halfway through the current lot 120, no access would be allowed for 124 Clarke. As the existence of Wildwood Lane as a private drive was permitted through the PB for utilities only for existing lots, it can not be allowed for newly created lots. She referenced the legal restriction to not allowing access along the ROW and Wildwood Lane to 126 Clarke Road obtained during a previous public hearing. The ROW was on paper only and had never physically existed. The Ryder's attorney had issued a legal opinion stating that while the landowner had the right to access the ROW for utilities for the existing lots, the neighboring landowner did not have the right to install a driveway, where none existed, in addition, the landowner did not have the right to cut trees, which were the personal property of the owners of 12 Wildwood. She noted that the issues had not changed.

T. Girard asked what lots the current driveway serves. 120 and 118.

J. Hoffman asked if there were any other questions.

D. Barnicle stated that he would like to make a motion.

Motion by D. Barnicle to approve the driveway as presented.

2nd by J. Hoffman

Discussion: N. Ryder asked for clarification whether the motion was for the crossing only or for the project. She noted that if it was approved, the project should not be approved or closed until the plan details were resubmitted in readable form. D. Barnicle stated that it was for the driveway crossing only. It did not state anything in regards to any thing else being accepted or denied. He asked for the motion to be reread. Done.

Vote: In favor – None. Opposed: All.

D. Barnicle stated to B. Caron that the last time he had been in, he had been asked to fix the small print on the plan to make it readable and less busy so it could be understood. He summarized the hearing discussion and noted, that as presented, the driveway was not allowed. He suggested that the applicant either request a continuation or withdraw and start over. B. Caron asked where he stood with the Commission on the reasonable use issue. J. Hoffman stated that he would infer from the vote that reasonable use had been exceeded. D. Barnicle stated that so there was no misunderstanding he had worded the motion simply, yes or no. He noted that he would not give approval for a driveway there.

B. Caron stated that saying work needed to be done on the plan implied that it was a wetland issue that he could address, saying that the crossing would not be allowed implied that any crossing would be denied. He asked if the crossing was being denied.

J. Hoffman stated that if he could devise a scheme that did not result in this wetland alteration, he could present it to the Commission. B. Caron asked if the SCC was basically agreeing with Ed that this project would not be allowed. J. Hoffman stated that the only issue before the SCC right now is the wetland alteration as presented. That would not be allowed. B. Caron stated that he understood that the crossing would not be allowed since one was already granted. J. Hoffman noted that wetlands alterations had also already been granted. B. Caron noted that he could work with "no alteration"; he could not overcome reasonable use being exceeded.

T. Girard requested that as this was his first meeting and he had not seen the site that B. Caron request a continuation. B. Caron did. Granted to May 1 at 8:50 PM.

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

J. Hoffman opened the public hearing, present were B. Caron and T. Girard.

B. Caron submitted revised plans dated 2/25 showing the footing detail and the existing grade detail as requested.

J. Michalek noted to B. Caron that the SCC had conducted the site visit on 3/23. He asked if B. Caron understood that the Commission required no disturbance of the wetland area. He asked if B. Caron knew exactly what that meant. B. Caron said he did. J. Michalek and B. Caron discussed the many different ways to impact a wetland with a project. The final focus was on removal of vegetation. J. Michalek noted that the wetland was heavily vegetated with trees and other vegetation. He asked how the work could be done without damaging the trees in the middle. B. Caron stated that there was one clear spot, which he could go through. J. Michalek confirmed that B. Caron was saying he could put a span bridge through a wetland without removing any trees or shrubs. D. Mitchell stated that during the site visit he did not see a clear area, but did see a lot of potential for disturbance of vegetation. J. Michalek agreed and said he did not see any area that did not appear wooded to at least 3 feet off the ground. He suggested B. Caron attend a site visit with the SCC to show them exactly where and how it would be installed without disturbing the wetland. B. Caron said he would be installing the footings by hand outside of the wetland. D. Barnicle stated that in his opinion, stable footings to hold a 40-foot span bridge could not be installed by hand. The SCC and B. Caron discussed excavating for the footings and cleaning up. D. Barnicle asked B. Caron to install stakes and ribbons to clearly outline the exact location of the bridge and footings. He stated that he wanted to see it in the field.

D. Mitchell asked if the slope would be blasted. B. Caron said that he would use a hammering process. He asked if B. Caron was concerned about keeping the slope on the hairpin turn.

B. Caron asked that when the Commission said no disturbance, did they mean he could not touch, maintain or trim the branches, even dead branches. The SCC said no, the canopy was part of what defined the specific characteristics of the wetland and even dead brush and trees provided irreplaceable habitat. Nothing could be disturbed. They added that if he could install the bridge without touching the wetland, then fine, he could proceed. J. Hoffman stated that the other crossing had used up the reasonable use for this property. This crossing will only be allowed if there is no impact what so ever. J. Hoffman stated that the SCC's mission is to protect the wetlands. He noted that allowing BVW and wetland impact was a discretionary decision of the Commission. J. Michalek stated that if there were no other houses built on the property, then fine, B. Caron would have a point. He noted that B. Caron had already put 2 houses on marginal land; use of the property had already been obtained; the SCC was not denying use.

PUBLIC HEARING – NoI cont.– 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 public hearing. M. Farrell was present.

M. Farrell submitted a revised plan showing silt fence, the stonewall and the extended hay bale line above the wetland and below the driveway. He noted that the owner wanted to take the stones out above the driveway but would leave the wall in place below where the drive crossed the stonewall as a barrier to the wetland. The SCC noted that this would be a condition of approval. M. Farrell agreed.

J. Michalek said the plan needed the grade and cross section detail for the area where the driveway is within the 100-foot buffer. D. Barnicle said they needed cut and fill detail also.

J. Hoffman confirmed the pre and post grades shown on the plan.

The SCC discussed the separation between the driveways. D. Barnicle asked what the surface would be. Hardtop. He asked where the drainage would go. M. Farrell said it would sheet flow off the drive. There is a slight dip down before the driveway enters New Boston Road, the water would sheet flow off into that drainage culvert. D. Mitchell stated that he felt there would be a good chance the culvert would plug and flow over the driveway. D. Mitchell, D. Barnicle and M. Farrell discussed ways to keep the culvert from plugging. The two driveways will be tipped away from each other, the northern driveway sloped north and the southern driveway tipped south. The plugging concern was with the culvert entrance between the two driveways. Tipping the driveways to the outside will minimize water drainage between the driveways.

The hearing is continued to 4/17 at 7:10 to review final plans, close and issue any permits.

NoI cont.– 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 was M. Farrell. The final plans were outlined and the project approved by unanimous vote for 2 Champoux and 145 Brookfield, with conditions regarding no disturbance of the stonewall between the wetland and the project site and minimal disturbance of the stonewall through 145 Brookfield Road.

PUBLIC HEARINGS – For closure.

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.

J. Hoffman opened the public hearing. Present was M. Farrell. The final plans had been reviewed and the project approved with conditions. E. Goodwin abstaining, J. Hoffman, D. Barnicle, D. Mitchell and J. Michalek in favor. The hearing was closed.

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.

J. Hoffman opened the public hearing. Present was M. Farrell. The final plans had been reviewed and the project approved with conditions. E. Goodwin abstaining, J. Hoffman, D. Barnicle, D. Mitchell and J. Michalek in favor. The hearing was closed.

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 final plans had been reviewed and the project approved with conditions. E. Goodwin abstaining, J. Hoffman, D. Barnicle, D. Mitchell and J. Michalek in favor. The hearing was closed.

NoI cont. – Green Hill Engineering, for Waraika, for 220 Cedar St. SFH and related.

J. Hoffman opened the public hearing. Present was M. Farrell. The final plans had been reviewed and the project approved with conditions by unanimous vote. The hearing was closed.

NoI cont. – Green Hill Engineering for 24 Old Towne Way for single family home and related.

J. Hoffman opened the public hearing. Present was M. Farrell. The final plans had been reviewed and the project approved with conditions by unanimous vote. The hearing was closed.

PUBLIC MEETING-two projects were submitted by M. Farrell for Sturbridge Isle and 22 Old Towne Way. The SCC agreed to briefly hear the outline and set up a site visit as the next scheduled public hearings will not be until May 1.

M. Farrell and C. Rucci outlined a proposal for an outdoor pool at the Sturbridge Isle Hotel. Plans were submitted. As M. Farrell and C. Rucci were both new to the Sturbridge Isle project, the SCC filled them in on the history of the site and hotel project with conservation including the construction of the Sprint tower, the location of sewer lines, the river, and the location of fiber optic lines through the site. The various restricted areas on site and buffer zones were outlined and discussed. A site visit will be conducted on April 12. The public hearing will open on May 1.

M. Farrell submitted plans for 22 Old Towne Way. A site visit is scheduled for April 12. The public hearing will open on May 1.

PUBLIC MEETING – M Loin and John Elliot for changes to the approved Sturbridge Isle Truck Parking area.

J. Hoffman opened the meeting. Present was M. Loin.

M. Loin outlined his plan to have the stone swale and the armored channel corrected. D. Barnicle asked if he had plans showing the specifics. No. D. Barnicle said that any proposal was not relevant unless it had specific detailed plans showing the work proposed. M. Loin will submit a plan showing the corrections to the site work.

PUBLIC HEARING - NoI - Bertin Engineering for Alsco for a building addition at 174 Charlton Street.

J. Hoffman opened the public hearing. Present were M. Loin, Dan Prouty and 2 Cieslas.

M. Loin submitted revised plan C-5 dated 4-1-03. He outlined the top of slope adjacent to the disturbed area and noted that the detention basin was now 25 feet off the top edge of slope. He noted that there was one point where the edge of work was 18 feet from the top edge of slope, but noted that the edge of basin was 100 feet from the wetland except for the grading. No work would be conducted past the hay bale line. E. Goodwin and J. Michalek confirmed that the basin was now moved out of the field and into the already disturbed area directly behind the building. There will be no additional disturbance of vegetation on site.

J. Michalek noted that when the site visit was conducted the edge of the discharge pipe was closer to 20 feet to the wetland than the 40 shown on the plan. D. Mitchell agreed and noted that the discharge area discussed was closer to the wetland than 40 feet. M. Loin said he measured it and that was the distance he got. He said the SCC could check it. M. Loin noted that he was staying above the top of slope and in the disturbed area.

M. Loin showed the SCC conceptual plans for the rest of the disturbed area. J. Hoffman noted that as a Notice of Intent would be filed at a later date, the SCC should not review the plans at this time. He noted that he project as proposed had moved construction to already disturbed areas and outside the 50 foot structure buffer.

D. Barnicle asked to re-discuss the detention basin. He noted the configuration had changed, was more elongated with a 2:1 slope. He asked if the sides and basin would be rip rapped and asked if it had the same capacity. M. Loin indicated that the basin had been moved and re-shaped. His calculations showed that it would handle the water flowing from the site. D. Barnicle asked what the volume in would be. He noted it did not seem large enough. M. Loin said the soil was 2-minute gravel.

The SCC read and approved the maintenance plan in the NoI.

J. Hoffman asked if there were any questions.

N. Ryder asked if site stabilization plans were included. The SCC reviewed them on sheet C-3 of the revised plan. Site stabilization will consist of loam and stabilization seed mix.

The SCC discussed the revised plans. The hay bale line is to be put in prior to approval. The SCC will site visit and approve the plan if everything is in order.

The SCC discussed the snow storage area shown. J. Hoffman asked for the removal of the snow storage area as shown to be reflected in the minutes and on revised plans. D. Prouty said he did not want to have to put in hay bales now if there may be a 90-day delay for legal review, etc. He did not want to have to replace the hay bales. J. Hoffman said they could have stakes in place of the hay bale line.

A final site visit will be conducted on 4/12 at 9:00. The hearing is continued to 4/17 at 7:10, for closure if everything is in order on the site and the final amended plans are submitted. If any issues arise the hearing will be continued to May 1.

PUBLIC HEARING - NoI – Sturbridge Retirement Cooperative for well drilling and related at 1 Kelly Road.

J. Hoffman opened the hearing, present were Paul Hatch and Mary Berry.

P. Hatch outlined the project, which is for well drilling and construction of an access road within the 200-foot buffer. He outlined the wetland and the delineation. J. Hoffman confirmed that the access road would be permanent, not temporary. Yes. P. Hatch said the trees would be cut and the access drive graded. E. Goodwin clarified the location as the old Galonek gravel pits. N. Ryder asked if the wetland shown was the BVW associated with Breakneck Brook. The SCC reviewed Topo plans showing the river and associated BVW. P. Hatch said he did not know. The outline of the wetland shown on the plan corresponds to the outline of the BVW for the river. A site visit to confirm if they are connected will be taken.

E. Goodwin asked why the well could not be drilled elsewhere away from the wetland. P. Hatch outlined surrounding public wells, leaching fields, and septic areas. He noted that the location shown was the only one possible, without this well location the project ended. He stated that the site also needed an on-site waste disposal system. D. Barnicle asked if the access road could be swung out of the buffer more. P. Hatch noted that the location of the well determined the location of the road.

D. Mitchell asked how deep the well would be. 240 feet. P. Hatch noted that there were zone I and zone II issues to deal with. The protections to the BVW were similar to those required for public wells, so the overlap was ideal. He noted that he also needed to be 240 feet from any already developed sites, which severely limited his possible locations. D. Barnicle agreed that he did not have much wiggle room.

A site visit will be conducted on 4/12 after the Sturbridge Isle site visit. Chuck Dauchy the wetlands specialist will be on site. The hearing is continued to May 1 at 8:30.

PUBLIC HEARING CONTINUED - Quarterly Review for discussion, amendment, addition to, or other action in regards to the Town of Sturbridge Wetlands Bylaw Regulations.

J. Hoffman opened the hearing. N. Ryder distributed copies of the revised regulations, outlined the proposed changes. The hearing was continued to April 17 at 9:30 following the Open Space Discussion.

PUBLIC HEARING –New Forestry Application Review

No new applications.

NEW BUSINESS

OLD BUSINESS

OTHER BUSINESS

LETTER PERMITS

CERTIFICATES OF COMPLIANCE

All of the above were tabled.

Motion to close, 11:45, approved by unanimous vote.