

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, July 10, 2003

MEMBERS PRESENT

J. Hoffman, D. Barnicle, E. Goodwin

7:00 PM

J. Hoffman resigned as chairman, he requested the commission reorganize and elect a new chairman and vice chairman. The commissioners agreed to think about it and vote a new chair person at the next meeting.

MINOR WALK IN REQUESTS

Rebecca Jacobs and Alan Smith from the Opacum Land Trust attended to discuss repair and replacement of two stream bridges on the open space parcel associated with the Preserve subdivision. The open space parcel is now known as Opacum Woods.

R. Jacobs and A. Smith noted that both were existing structure replacements. They outlined the locations using photographs to show the surrounding area. They questioned if they should they file an RDA or an NOI. They noted that the bridges would be placed on existing footings and had to be replaced for safety reasons.

E. Goodwin noted that when the commission went out and walked the property for the proposed golf course, the bridge structures were not there.

A. Smith noted that they simply wanted to put a new structure over the ladder bridge. The other crossing is a maintenance issue, not a replacement.

E. Goodwin confirmed that there would be no excavation.

J. Hoffman and D. Barnicle said a letter permit would be fine. R. Jacobs noted that she would submit a letter describing the work and will include the pictures.

N. Ryder asked if any vegetation cutting or tree cutting would be needed to bring structures in. She noted that when H. Fife came in and explained the proposed project earlier, she thought she heard that the bridge structure would need to come in on a pickup truck. As the paths were not wide enough, how would the bridge be brought in?

R. Jacobs said the bridge would be brought in by hand; the only vegetation that would need to be removed was some mountain laurel. N. Ryder stated that they should include in the letter any vegetation cutting and the locations of the cutting.

E. Goodwin confirmed that the bridge would not be constructed of pressure treated lumber. A. Smith said it would not be.

D. Barnicle asked if the bridges would be placed on existing foundations and if there would be no excavation for the project at any location. A. Smith indicated that he was correct on both counts.

A letter permit will be submitted prior to the July 24th meeting.

MINUTES REVIEW

The minutes of 6/19, 6/5, and 5/20 were partially reviewed. The minutes will be emailed to the commissioners for complete review.

CPAC UPDATE

Tabled to July 24th.

CORRESPONDENCE REVIEW –

Correspondence reviewed consisted of a Dialogue on the Future memo from J. Malloy outlining the four subcommittees to be organized to discuss key town development issues. The SCC discussed the options and requested presence on the Community Development Committee and the Municipal Services Committee. If no commissioners can attend one, N. Ryder will attend both.

DISCUSSION OF NEW INFORMATION –

The Commission discussed the reported state fish kills, the email discussion regarding local lakes and possible reasons for the large kills and the news article recently published in the News.

A vernal pool certification packet was reviewed relating to a pool discovered on the Preserve subdivision property during the preconstruction environmental review.

A restrictive covenant submitted by W. Swiacki for Draper Woods had been reviewed. The only comments were from Dave B. N. Ryder noted that if W. Swiacki was not able to attend she would email them to Swiacki the next day.

The Sanctuary conservation restriction was reviewed. The all-inclusive statement is to be reviewed. N. Ryder noted that they were waiting for town counsel response on both documents. Both must go to Joel Lerner for approval in order to offer lifetime protection to the properties.

REVIEW OF SITE VISITS SCHEDULED AT PREVIOUS MEETINGS-

J. Hoffman and D. Barnicle had conducted site visits to the following locations:

To 62 Charlton Road for the Exxon Mobile maintenance and repair. The site is adjacent to Hobbs Brook BVW, with access off of Rte 20;

to 241 Podunk Rd to check a wetland delineation and distances to proposed construction. The plan was shown to be accurate, a very mild slope leads to the heavily vegetated wetland. A stonewall lies between the work site and wetland. D. Barnicle noted that the wetland has expanded substantially with all the new development in the area and runs for quite a long way down Route 49;

to 43 Abrams Drive, the proposed work is immediately adjacent to the lake, with disturbance of a vegetated planted bank, structure is proposed within the 25 foot buffer, with construction work to the lake. A very large paved driveway is located outside the 25-foot buffer. The

commissioners saw no hardship issues to allow either disturbance of the 25 foot buffer or additional structure within the 50 foot buffer;

to 5 Lakeview Drive, the river is clearly delineated. The lot predates the rivers bill, is mildly sloped with established trees. The bank to the river consists of large stones and boulders embedded in the soils. Several notations from EcoTec were observed and noted;

to 32 and 34 Tannery Road, both lots are immediately adjacent to a detention basin leading to an isolated wetland, 34 is to incorporate a high stonewall. Detailed construction information will be needed. The estimated drop is almost 15 feet;

D. Barnicle noted that he had visited 145 McGilpin also, he saw no issues, he noted that there was erosion further down the road, but the erosion is onto a dirt road, so he did not feel it was a problem. E. Goodwin noted that at one of the corners where the stream crosses someone has put stone and graded it out on the road. D. Barnicle asked if there was filling of the stream. E. Goodwin said it was in the existing road way and improved the road but did not impact the vegetation on the edges. D. Barnicle noted that the SCC needed to put Courtemaches place on the next site visit agenda. A huge earth mover was located behind the house at 83 McGilpin near the pond size wetland. The SCC needs to investigate. He noted that it should not be in the large wetland.

E. Goodwin asked if anyone else had heard that someone was asking for sewer to be extended off of Apple Hill to the McGilpin Road area.

E. Goodwin conducted a site visit to 176 Podunk Road to review the septic repair plan. No issues, the project should begin as soon as possible.

PUBLIC HEARINGS – continuations for closure, review, amendment, and signing of OoC's or DoA's.

*Nol cont. – Tom Buell for septic repair at 176 Podunk Road approved as presented by unanimous vote. Permit issued.

*RDA cont. – Mass Highway for resurfacing of I-84, the bid specifications were reviewed, the quantity of erosion control materials were sufficient to protect the wetlands and streams lining the highway. No further issues. The project was approved by unanimous vote and a permit issued.

*Nol cont. – New England Environmental for W. Swiacki for Estates North, 3 single family home lots, and 1 commercial lot, 78 Hall Road and related. Approved by unanimous vote with the condition that the detention basin is to be removed from the 25 foot buffer. A permit was issue.

The Allen Homestead lot covenant was reviewed, changes from Town Counsel were included. The Covenant was approved by unanimous vote and signed.

PUBLIC HEARING–Nol – George Smith and Associates for Dong Ying for 241 Podunk Road, for single family home construction and related.

J. Hoffman opened the public hearing, as no applicants were present and proof had not been submitted that abutters were notified, the hearing was continued to July 24 at 7:20 PM.

J. Hoffman noted that he and D. Barnicle had taken a site visit and had located the stake in the field as well as wetlands flags 5, 6, and 13

D. Barnicle clarified the lot and the wetland location on the lot noting that the wetland is adjacent to Route 49. E. Goodwin confirmed that a single family home was going in. D. Barnicle noted that the flags showing the delineation were conservative. An existing break in the stone wall is where access is planned. E. Goodwin confirmed that there would be no access off of Route 49. D. Barnicle said all the work was planned basically in a field. E. Goodwin asked if either commissioner had any problem with site. No. J. Hoffman asked what they were coming in for. N. Ryder stated that they needed to submit a revised final plan showing lot number and proof of notification to abutters.

PUBLIC HEARING – RDA – Meridian Associates for Old Sturbridge Village for a small house and rice shed within OSV, 150 feet south of the Visitor Center.

J. Hoffman opened the public hearing present were, Jason Hemick of Meridian Associates for OSV

He submitted photographs to the Commission showing the location and the surrounding property uses. J. Hoffman asked if a Rice Shed was to store rice, J. Hemick said he believed so. The project is located in the field shown on the photograph. The field is presently used for an agricultural demonstration area, but is presently a grass meadow. He noted that the area is adjacent to the site near the visitors center and is a regularly planted and plowed field. The area on the other side is fenced pasture for farm animals and part of a farm site. The proposed project is across the roadway from the Quaker Meeting House.

J. Hemick noted that an identified vernal pool is located 50 feet from the proposed work site at an elevation drop of 20 feet. The wetland scientist had noted wood frogs, noting that it was not an obligate species. He outlined the 50, 100, 200 foot buffer, all work is outside 50 feet but within 100 feet. He noted that the grade works for site, which is the least actively used, open field.

J. Hemick stated that by locating the project there, the Village will not remove trees or encroach on wetlands. He stated that he did not feel as though the project was introducing new impacts as the area was already a used demonstration area. D. Barnicle stated that there was not a lot of active use now, but the applicant was proposing active use within the 100 foot buffer to a known vernal pool, identified by the applicant. J. Hemick said he did not know that there would be a level of difference in use. D. Barnicle said he believed there would be a big difference. J. Hemick said he would agree there would be more use, but he did not want to project a disproportionately larger difference than was there already.

E. Goodwin questioned the size of the structures. The house will be 20' by 20'; the shed will be 10' by 30'. Foundation? Yes. House crawl span? Yes. Utilities will consist of an existing electric line, a water line running from the south of the site to the small house. The water line will consist of a 1 ½ to 2 inch copper line to a bucket for use on the outside of the house. The

Rice Shed will have no utilities. The small house may be 2 stories high. The shed will be a store house. A gravel path will connect the shed and house to the main traveled way.

J. Hoffman asked what types of demonstrations would be offered? J. Hemick said he did not know.

J. Hoffman asked what they do now, plow. Yes. J. Hemick said the area to north is plowed, the area to the south is an unplowed field.

J. Hoffman questioned if they will stop plowing the field immediately adjacent to the building site. E. Goodwin asked what significance that had. J. Hoffman noted that if they are currently plowing, they are periodically disrupting soil, if a house is there and there is no plowing there is less periodic disruption. The SCC needs to know what the level of disruption will be afterwards as compared to the present. E. Goodwin said he perceived the application as a permanent structure within 200 feet of vernal pool for an organization with over 500 acres of open space at its disposal. J. Hoffman agreed but noted that if plowing occurred now, the land was disturbed. Allowing a house now may be less disruptive. D. Barnicle noted that when they plowed not a lot of people walked through, he suggested moving it outside of the 100 foot buffer to the vernal pool.

J. Hemick stated that it would be difficult to move into a woodland area. The disturbance would be much more significant. He noted that he had asked OSV why they chose the site, they had said that programmatically it fits into the village area and fits into the character of what the village is creating. They felt it was an active use area and did not feel they were creating any more disturbance on the land or additional impact to the wetland/vernal pool.

J. Hoffman noted that it was too bad they did not explain that to the SCC in a narrative. He noted that if the SCC was to consider information, it should be in writing for future reference.

E. Goodwin questioned if someone else came to the SCC with a farm, wanting to do the same, would the Commission allow this. He noted that it was an issue despite the fact that it was the Village requesting the permit.

J. Hoffman and E. Goodwin said a site visit should be taken. They noted that they would need someone representing the village to be there to address the plans issues.

E. Goodwin said the Commission was discussing new buildings not redevelopment of existing ones. This is being advertised as a new exhibit for spring.

A tentative site visit is scheduled for Saturday the 12th at 8:00.

The public hearing is continued to July 24th at 9:50 PM

PUBLIC HEARING – Nol - Leslie Ann Sugrue for Tyrone Jones for hazardous waste removal at 51 and 55 Holland Road.

N. Ryder noted that no formal site plan had been submitted, only a location plan. In addition NHESP must also be notified.

J. Hoffman opened the public hearing, present were Mark Zulkiewicz, David Trudeau for the new owner, Charlie Blanchard, and Leslie Sugrue. L. Sugrue was 40 minutes late due to traffic problems, the hearing was originally going to be continued to July 24th at 6:00 PM. The applicants and abutters decided to wait to see if the representative would make the meeting. The SCC agreed and heard the next applicant, when she arrived the hearing started. L. Sugrue noted that she had not yet notified NHESP, abutter cards were submitted, D. Barnicle confirmed that she understood that NHESP must receive a copy of the Nol as the site bordered estimated habitat areas.

D. Barnicle stated that communication on this project so far is terrible, he stated that prior to any review of the project, the SCC would like to correct the communications problems. L. Sugrue questioned in what way it was poor and noted that she had several other sites she was also working on and was doing her best on all of them. J. Hoffman stated that was not the SCC's problem. He noted that he did not have a good sense that the land owners and representatives were serious about rectifying the issues in Sturbridge. J. Hoffman stated that the same applicants and representataive were present several months ago, are present again for the same property and issues, and are still using the same excuses as to why issues on site have not been addressed.

N. Ryder noted that the Commission had requested a site plan and asked if she had one to submit. L. Sugrue noted that she had already attached the approximate location sheet submitted by Tighe and Bond. She noted that she did not conduct a survey. D. Barnicle questioned that for a project like this, she did not feel a survey was necessary. No.

J. Hoffman asked what were the requirements. L. Sugrue stated that DEP required the owner to respond to the contamination. At this point she does not feel a plan is needed. N. Ryder noted that in the most recent mailing, DEP stated that they were requiring a detailed survey and search of the site to identify other sites. She questioned how that could be accomplished without a site plan. L. Sugrue discussed flagging in the field. N. Ryder noted that the SCC needed a plan with the flag locations so they can find the flags and locate the sites to determine if the planned cleanup will further impact the resource and to follow up to verify that the cleanups had been done. L. Sugrue stated that she had not received a copy of the DEP letter. Copies were made and distributed.

L. Sugrue said she did not have the analytical results back. Until they bring results in, she didn't know what was in the drum and whether or not it would need to be flagged as a point of concern. L. Sugrue said the sites were flagged with bright green flags. They can't be missed.

D. Barnicle asked when the results were sent out. LA Sugrue did not answer.

J. Hoffman asked if the sites of concern were covered with poly for now Yes. He asked if she had collected groundwater from the site. Yes. Was she expecting a typical turnaround? Yes, 2 weeks.

J. Hoffman asked if she was prepared to present what potential protective measures she planned to use while working. L. Sugrue said she planned to do the same as what did with the first sample, she turned over soils, collected 3 feet below, and covered with plastic. The results of the analysis will dictate what the migration will be and what cleanup measures

would be needed. She noted that she would be using 10 gallon buckets, carried by hand to a truck to remove the contaminated soils. She noted that she will expect to fill 1 to 2 ten gallon drums. Based on the small amount of removal of soils she was expecting she did not feel any erosion control would be needed. She noted that the heavy leaf cover was several feet thick, erosion won't be a problem.

J. Hoffman noted that the last time the same applicants were before the Commission, L. Sugrue had said trucks would be used, maybe 35 feet, maybe 50 feet, maybe 100 feet from the river. He noted that the SCC did not have a good sense of what was there and how the applicants and representatives were going to address the problem. L. Sugrue said they still had the same plan, they were going in with hand digging tools and buckets. J. Hoffman questioned that for this presentation they were bring no vehicles to the site? L. Sugrue said, no, at least not off the existing dirt road.

L. Sugrue stated that the type of material being discussed is not leachable or migratable. She noted that they will test soils further to confirm this after the initial soils were removed. However if confirmatory sampling says there is a bigger problem then the land owner will need to address it at that time. She said she could not tell at this point.

D. Barnicle stated that at this time the presentation is very vague. The SCC would not accept this type of presentation from any applicant. He noted that they need, in writing, exactly how the cleanup will be accomplished. If the Commission needs to check out the plan, they can not go in the field with no plan except a black and white very vague site plan with no details, looking for bright green flags.

L. Sugrue read pages 4-6 regarding the hazardous waste manifest. She noted the manifest has nothing to do with excavation and removal of the material.

N. Ryder noted to L. Sugrue, that she was missing D. Barnicle's point. The SCC was saying that they needed to see a detailed work or construction sequence, it was not included in any plans presented.

J. Hoffman confirmed that for the two sites, which needed immediate action only, the soils were being removed by hand. L. Sugrue agreed. E. Goodwin said that was not good enough to issue a permit. The SCC needs a site visit plan. The applicant has not show a plan that gives any idea of the scope of work or any way to obtain proof afterward of actual clean up of the sites being tested. J. Hoffman verified that the applicant was saying that first they needed to remove the contaminated soils, then underlying soils in the hole need to be sampled before a long term plan of action can be determined. He questioned why a more detailed preliminary plan was not submitted and noted it was just as important.

E. Goodwin asked how many sites had been located out there at this time. L. Sugrue stated that there were two imminent hazard sites that she knew of. Both were isolated off the access road.

D. Barnicle questioned, when they remove samples with shovels and buckets and if it happens to rain and if hazardous material is determined to still be under the removed soils, will protection from migration still be maintained by placing plastic sheeting back on top. L. Sugrue said yes.

E. Goodwin stated that there were too many unknowns. He said he needed to take a site visit. The SCC unanimously agreed.

J. Hoffman suggested that the take the site visit on Saturday.

C. Blanchard noted that in the report from Sugrue, on pg 2, the applicant states that the area is currently an undisturbed area and was historically used as a farm. He stated that the record shows the site was used as an industrial area, with factory buildings and roadways crossing the river. He said that he understands this hearing is only for a first response imminent hazard. He was concerned that the report did not accurately reflect the site history. Tighe and Bond indicates several other drums in other locations and sites historically used as dump sites from textile mills for 100 years. L. Sugrue asked if these were on map in the area. C. Blanchard said yes, he had submitted copies during the stream survey program and would send an additional copy to the SCC office. He noted that this discussion was fine for an imminent hazard response. J. Hoffman agreed. L. Sugrue said she would not deny that there were other issues. But if they try to address all those now the project would not be manageable???? She noted that anyone could go in with the access road. C. Blanchard noted the site was part of an industrial site. The DEP June 26 memo relates to vinyl chloride in wells. L. Sugrue said she put an extension on the pipe so it does not overflow. It bubbles up but is still contained. C. Blanchard notes that a zone III abuts the site, the BOS is very concerned with protecting the well site from further contamination, he noted that Tighe and Bond was available and authorized to review the project.

J. Hoffman asked if there were any additional concerns about immediately getting in to remove only the imminent hazards.

D. Barnicle asked how much soil will actually be taken out and tested. L. Sugrue said the soils were being tested so she can verify disposal facilities to meet correct parameters. She noted that for permanent off site disposal or about 2 ten gallon buckets or 5 cubic yards they already had permission from DEP.

D. Barnicle said can you show me where the amount of removal will take place. L. Sugrue said there were 4-6 locations noted on a site visit Bob Dunn that had been approved. D. Barnicle asked L. Sugrue to show him exactly where on a site plan. L. Sugrue said she could show him in the field. She noted that she was proposing to do less removal than DEP had authorized. D. Barnicle confirmed that they were planning to remove up to 5 cubic yards in 10 gallon buckets.

J. Hoffman suggested the SCC site visit on Saturday.

N. Ryder noted that the SCC should use the GPS units to take waypoints and create an in office site plan. To remove soils with no tracking numbers for location clarity and to go back and track and clearly identify the sites of concern was not good planning. D. Barnicle and E. Goodwin said it was not the SCC job to do that. They noted that L. Sugrue must do that as part of the project. L. Sugrue stated that she was not planning to do that. She noted that to pull a surveying crew would cost more than the cleanup itself. She said that if SCC goes out and clearly identifies the sites, they are marked and painted and will not be hard to find again. She noted that they were small and isolated.

The site visit is scheduled for Saturday, July 12 at 8:30 AM

J. Hoffman asked if there were any further questions.

C. Blanchard stated that the current hearing relates to one sample only, but 15 other samples had been taken by Tighe and Bond, which indicated that many other areas of contamination existed, an intense review of site must be conducted. He noted that the review should be over and above just the imminent hazard. He was concerned that the SCC was talking about an isolated area and not a broad review. He noted that 2 other samples indicate areas of excess. L. Sugrue said the areas of concern were identified locations, and had been field screened with samples ranging from 0-3 feet deep. C. Blanchard noted that mechanical augering will be needed. L. Sugrue stated that she was working with Bob Dunn of DEP under a release abatement plan, those field screen areas are being re-identified, and she will collect samples and take them to the lab. She noted that field screening was only an indicator. C. Blanchard said he understood this was just a preliminary phase and asked if L. Sugrue could outline further phases. L. Sugrue said the next phase is part of the plan of action due to the DEP 120 days from the day of reporting.

J. Hoffman confirmed that meant the plan of action was due on August 2, he asked how she was planning to have that ready when she did not have results back from the lab, and had not even sampled the soils under the imminent hazard site due to the length of time the applicant had spent preparing the submittal so far. L. Sugrue stated that it only had to be a plan of what they were going to do, she did not need samples or results for that.

B. Brierre stated that when the factory was operating, a road led over a bridge to the site being looked at now and wheel barrow loads of wastes were routinely dumped at the site. C. Blanchard noted that he had a site photo showing the factory and bridge to confirm B. Brierres' statement. He will submit a copy for the file.

The public hearing is continued to July 24, at 6:00 PM. The issues to be discussed are the long term planning, further surveying, a response plan, and submittal of a site plan including identifying waypoints for the SCC to relocate the site during site visits.

PUBLIC HEARING – NoI – Louise and John Zajac for site work related to an existing single family home at 128 Leadmine Lane.

J. Hoffman opened the public hearing present were, John and Louise Zajac.

J. Zajac said they wanted to repair the buffer to lake, he noted that he had been informed of the regulations, the 25 no disturb buffer and the 50 foot no structure buffer. He noted that the house was only 35 feet from the high water mark, he used pictures to orient SCC pointing out that the land drops from the road to the yard and the lake. He outlined the existing stairs, the proposed planting of hemlocks stating that the closest point of any of the project to water is 14 feet. He said he was also proposing a dry brick walkway with a base of processed gravel 40 inches wide. He noted that most of the 25 foot buffer is weeds which get mowed when they get high. J. Zajac outlined the location of the proposed walkway. Any dirt removed would go between walk and house, any bare ground will be mulched, exposed areas will be

planted with indigenous, Hemlock Mountain Laurel, Blueberry. He noted that they were asking for a variance for the walk.

D. Barnicle confirmed that the walk would be 40 inches wide, dug out, process gravel put in then stone dust then brick. He confirmed that there would be no mortar. J. Zajac said he had included some of that information in the description. He noted that right now the walk way was mud. The owners had been reluctant to plant lawn to avoid fertilizers. He noted that the walkway would improve the 25 foot buffer to the lake.

E. Goodwin asked if they had any trees other than hemlock as the woody agelid disease is coming in. He noted that if they stayed with hemlock they will end up having to spray with oil to keep them. J. Zajac said he knew that but they were shady and natural. E. Goodwin said he was just letting them know that there is a possibility that they will get them up and the trees will die.

D. Barnicle said it is not so much what but where they are being planted. He said he had no problems with the trees. J. Hoffman noted that usually the SCC has people coming in to cut them. D. Barnicle said the real issue is not the tree planting, the issue is the walkway. Brickwork is new structure, 40 inches wide, and x deep. He reminded the Zajac's that unless there was mitigating circumstances, which resulted in less disturbance to the lake, there was no disturbance of the 25 foot buffer and no structures in the 50 foot buffer.

N. Ryder asked if they were planning to install the walk by machine or hand. J. Zajac said the trees will be put in place by a bob cat front end loader. Brick way work will use a mini excavator, 7 feet wide with rubber tracks.

J. Hoffman asked if there were any further questions.

E. Goodwin said he needed to see the site.

D. Barnicle said with all the battles the commission had fought with development around lakes in the 25 foot buffer, approving this will be a stretch.

J. Zajac said there were houses on lake being taking down and rebuilt close to the lake and bigger. J. Hoffman noted that in every case since the regulations had been adopted the applicants were moving the new home back from the lake creating a larger buffer. J. Zajac said the house on Bennett was Keough was still in the 50 foot buffer.

J. Hoffman said the regulations were adopted recently, 2 years ago, some projects came in before that and were being worked on now. The SCC must meet the regulations in place now.

J. Zajac asked if there were any options the SCC needed to see. D. Barnicle said yes, but the ones to not violate the regulations would have to put the walkway in back. D. Barnicle said if the SCC can verify that the project will improve the erosion situation then they can consider approving, if not then they could not approve the project. J. Hoffman noted that they can accomplish the no further disturbance and no further structure by using porous pavers on the worn area.

J. Hoffman and J. Zajac discussed using flagstone, noting that it will not require excavation and disturbance would eliminate the erosion issue.

D. Barnicle said that the SCC needed to take a site visit, in fact if they put the brick walk in, there will be more runoff because there will be more impervious area.

J. Zajac said the brick would keep the yard without erosion. J. Hoffman noted that it was his responsibility to prevent erosion into the lake with or without brick that was not the issue. J. Hoffman said the intent of the buffer is to protect the lake, more impervious means less buffering, and less protection to the lake. He noted that the SCC has been very strict and consistent in protecting the buffer. If people come in and want to rebuild and make the structure even 1 foot larger, the SCC has made them move house as far back as possible while minimizing other disturbances.

A site visit will be taken on Saturday July 12.

The hearing is continued to Aug 7th at 7:30 PM.

PUBLIC HEARING – 4 Nol's – Exxon Mobile for inspection and maintenance of an existing petroleum pipeline at 62 Charlton Road, 53 Holland Road (2 locations), and 46 Holland Road.

J. Hoffman opened the public hearing present were B. Fricke and Bob Briere.

N. Ryder noted that the DEP review sheet indicated concerns with the effectiveness of the erosion control at the Charlton Road location. Work at that point was in wetlands, similar to recent pipeline maintenance and repair projects near the Southbridge/Charlton line.

62 Charlton Road

J. Hoffman asked if this would be a random inspection or if they had predetermined that there may be a problem. B. Fricke said tests indicated something was wrong with the pipe in that location at a 90 to 120 day level of urgency. The company had used a smart sensor PIG test. J. Hoffman asked what the measuring device was, a magnetic anomalies test. B. Fricke said they sent two sensors through, the first was a dimensional indicator, and the second was magnetic for wall thickness. D. Barnicle asked if the lines were single pipes. B. Fricke said they were cast iron cathodic protection, with anode attached to discharge electricity. The pipes were single layer 3/8 to 1/2 inch thick pipe. In some cases such as swamps or waterways they were cased. In this location it is under the soil

D. Barnicle asked why it was 6 feet wide, he felt that was too much for a single pipe check. B. Fricke said they need to be in trench to fix the pipe and to conduct maintenance, 6 feet is not that much if you are the one in the trench trying to work on a pipe.

N. Ryder noted to E. Goodwin that they were coming in from different direction off of Route 20, they were not accessing through water.

J. Hoffman asked if the pipe was carbon steel wrought???**missed it**. No answer.

B. Fricke outlined the pipeline operating procedures noting that the line check was part of federal DOT guidelines. A tool is sent through the pipe to determine if any potential problems or anomalies exist. The test showed that 5 occurred in Sturbridge. He outlined locations and stated that according to federal standards all 5 must be inspected within 90 to 180 days. They were bringing in equipment to dig a trench 6 feet wide by 20 feet in length. The pipe would be exposed and inspected. Any repairs that can be conducted without opening the pipe will be done, repairs made, then the trench back filled. He outlined the sediment and erosion control measures to be observed. In this case the Charlton Road site must be dewatered. The area was standing water on the edge of marsh and not flowing water. A coffer dam will be set up, the water pumped up and discharged into hay bale site.

B. Fricke noted that in the DEP reviews, the only comment was for 62 Hall Road. B. Fricke read the DEP note regarding whether the hay bale barrier would be submerged. He said he had called Marielle Stone at DEP and noted that she said they were not saying that it was not sufficient. DEP wanted SCC to make sure it was. He noted that the project engineers said would be. Erosion controls will be left in place until all areas are stabilized. A protective mat will be placed where equipment must cross the wetland area, which is dry at the present time. B. Fricke stated that the crossing would consist of 6 by 18 inch railroad ties for the equipment to cross. The equipment will come out then the ties will be removed to minimize disturbance to the area. B. Fricke noted that typically repairs take 1 day for each site. A recent emergency repair in Brimfield followed the same procedure and had no problem.

Fricke outlined the remaining 4 sites briefly. He noted that for the rest there would be no work in wetlands only in buffer areas. Erosion control was outlined. The work at each site is expected to take no more than one day for each location. He noted that he had ACE permits already.

J. Hoffman asked if there were any questions.

E. Goodwin asked if the railroad ties were pressure treated. B. Fricke said he did not know, if SCC wants to stipulate not, that would be fine. E. Goodwin and J. Hoffman asked that the Order of Conditions specify no pressure treated ties.

E. Goodwin asked if there would be any replanting. B. Fricke said no, they planned to put top soil back in, the vegetation re-establishes quickly, especially in wet areas. E. Goodwin confirmed that each site would be completed within a day. B. Fricke said yes, unless they need to bring in a welder. E. Goodwin said that for one day, they can protect the plants and keep them wet then replant. B. Fricke said he was willing to do that except where the work was under water.

D. Barnicle said the permit will also stipulate that the 6 foot width is the maximum and asked B. Fricke to try to keep the trench narrower where possible. B. Fricke said it will be as narrow as possible to do the job. B. Fricke said working 3 feet down in a 6 foot slit is not much room to work. D. Barnicle told him to try to keep the trenches to a minimum.

J. Hoffman asked if there were any other question's. B. Briere noted that he had a key to the access gate off Holland Road, he noted ACE has one also. He noted that B. Fricke could call him for it when they were ready so they can drive into site and don't have to walk in. B. Fricke thanked B. Briere and took Bob's name and number to contact for access.

Site visits will be held Sat morning, July 12. The public hearing is continued to July 24th at 7:20.

PUBLIC HEARING – Nol – Paul Abrams for addition to an existing single family home and associated site work and sewer pump installation at 43 Abrams Drive.

J. Hoffman opened the public hearing present were Paul and Greg Abrams, Thomas Root, Mildred Jacques, Lynn Summers, Steve Sexton, Susan Cheney and Craig Moran.

N. Ryder noted that the submitted site plan showed no compliance with the 25 foot no disturbance buffer or the 50 foot no additional structure buffers. She noted that no alternatives had been considered.

The entire hearing consisted of the Commissioners outlining the regulations and noting that there was no hardship on this property to force the landowner to build the home on the lake. They read and reread the regulations, noting that there was a great deal of land available, as well as an excessively large paved driveway, which contained a great deal of previous disturbance outside both the 25 and 50 foot buffer on which the majority of the addition could be built.

The applicants Paul and Greg Adams countered this by repeatedly noting how the disturbed bank to the lake (shrubs and trees) would be improved by the construction of a huge 2 story home addition. The applicants noted that they were meeting all the zoning regulations and that they were protecting the water flow direction by building in this location. If they constructed the home anywhere else, they would disturb the natural flow of ground water.

J. Hoffman and D. Barnicle both choked up birds and noted that it was not the Commissions responsibility to worry about other boards regulations or addressing ground water flow issues for an applicant. They noted it was the job of the engineer hired by the applicant to meet ALL regulations and to present a proposal that also addressed relevant environmental issues, such as ground water controls and minimization of disturbance to protected areas. The Commission was there to enforce the Conservation bylaw and regulations, not the zoning setbacks and aesthetic considerations. The applicants were informed that neither of those issues constituted a reason for a waiver from the Conservation regulations.

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

D. Barnicle summarized that the plan presented made no attempt whatsoever to meet regulations and would not be approved as presented.

N. Ryder noted that based on her site visit, and the amount of paving, the site may already exceed lot coverage bylaws. She suggested as a courtesy that they look into that also.

The Abrams tried once again to say that any other plan would impact the lake more than removing all trees and vegetation in the 25 foot buffer. They stated that they felt that their project met the requirements for a waiver.

J. Hoffman stated that yes, there is a provision in the regulations to seek a waiver based on fact that there is more benefit to resource area by granting a waiver than by not, when there are no other alternatives. J. Hoffman stated that these must be documented clearly and irrefutably. He stated that the documentation can not be of the type that, if I do a poor job here, then better to waive the regulations there. J. Hoffman stated that reason to grant a waiver has not been demonstrated. J. Hoffman stated that this would not be the first time a project came up of this nature. He noted that the commission has been very strict in following the regulations and has had people move houses if they wanted to expand the footprint and the home did not conform to current regulations. P. Abrams stated that there were some huge houses on the lake. J. Hoffman noted that many of them predate current regulations. G. Abrams asked when they were implemented. J. Hoffman stated in November of 2002. P. Abrams noted that they had started planning the addition before that date. J. Hoffman noted that the regulations in effect were based on when the application was submitted.

J. Hoffman noted that this was not a trivial sized addition the applicant was presenting. He noted that they may not get a waiver from ZBA.

P. Abrams asked where they went from this point. J. Hoffman said the first step would be to present credible, scientific evidence that your proposal is best option for resource area. He emphasized that it must be documented and must be credible scientific evidence showing that the resource area would benefit from a waiver being granted.

J. Hoffman asked the applicants if they had any additional questions. No. He asked if the Commissioners had any additional questions. E. Goodwin asked if it was a flat lot. Yes. He noted that he would need to look at the site.

The public hearing is continued to August 7th at 7:50 PM.

Public Meeting – Nol – Lycott for Walker Pond Association for Weed Control in Walker Pond.

J. Hoffman opened the public hearing present was Nick Applegate.

The application is for treatment of Walker Pond beach areas. Treatment proposed with Aqua Kleen Aquatic Herbicide – Acetic Acid, and 2-butoxyethyl ester; Reward landscape and aquatic herbicide – Diquat dibromide; Glypro Herbicide – Glyphosphate;

J. Hoffman noted that no proof of notification to abutters was submitted. N. Applegate said he had the cards and would bring them in. J. Hoffman stated that he needs to get green cards to SCC office prior to the 24th. N. Applegate noted that the treatment would be part of a project from a state grant matched by town funding. He noted that the only project tonight is weed management in swim areas.

They are proposing a 5 year plan with treatment now to be guaranteed for 5 years. Lycott will inspect and retreat as needed or renew the OoC. D. Barnicle asked if the treatment would be chemical and physical. N. Applegate said only Chemical.

J. Hoffman noted that he was part of the Lake Association and stated that he would be objective in reviewing the project. No abutters or concerned citizens were present. The commission had no concern over J. Hoffman's objectivity.

N. Applegate stated that the Association was also doing the state park as a good will gesture this year only. The state park would not be part of the five year program. If the state wants, they can continue the treatment for 17 thousand per year.

J. Hoffman asked if this was a continuation of the previous filing. N. Applegate said the previous contract expired. This was a new filing. J. Hoffman confirmed that it was the same approach as before. Yes.

D. Barnicle asked what type of weeds would be treated. N. Applegate said it was listed in the management plan. The SCC read the list. D. Barnicle said he had no problem if it was the same treatment as before

The Commission discussed vandalism at the public boat ramp, the public access area discussion of vandalism. They also discussed the weevil program that had been approved for funding as a test to control eurasian milfoil, but no eurasian milfoil was in the lake to target, so the program was dropped.

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

The hearing is continued to 7/24 at 7:20 to close and sign a permit. The project was approved by unanimous vote.

PUBLIC HEARING – Nol – Riley for septic system repair at 67 Breakneck Road.

J. Hoffman opened the public hearing present were Michael and Suzanne Riley.

The Riley's stated that the system was already at the point of breakout and needs repair. They noted that there were possible issues with a neighbor whose system is also failing. A vegetated, shallow swale was approved to be located between two properties to prevent change in water flow from regrading the back yard. The site plan was reviewed. A site visit had already been taken. The silt fence is up and can be checked. The Commission approved the project as amended with shallow vegetated swale to direct water flow, by unanimous vote.

PUBLIC HEARING – Nol cont. – Todd Girard for Mystic Builders for construction of 2 single family homes and related at 6 and 8 Vinton Road.

J. Hoffman opened the public hearing present were Ray Desautels, Mike and Melanie Harrington and Rita Schiano.

John Hoffman summarized the site visit, which the Commission had taken and noted that adult fish had been found in the vernal pool. He noted that the regulations say there can be no fish in vernal pools. Mike Harrington submitted an email from Matt Burns regarding vernal pools.

J. Hoffman summarized that the issue of work within the 25 foot buffer remained. N. Ryder noted to D. Barnicle that amount of disturbance totaled 5 sq. ft and consisted of removal of

three small trees and one boulder. She noted that the 25 foot buffer from the BVW had been checked, remeasured and corrected.

J. Hoffman noted that as two different filings were before the commission, they will continue with one hearing at a time, then ask abutters questions.

RDA first lot 8 Vinton Road.

R. Desautels submitted revised plan showing notes and revised buffer. E. Goodwin noted that they had to review both at once as the issue is reasonable use. The SCC can limit the property development to 1 house or consider whether reasonable use would be to allow 2 homes with the existing cart path being used within 25 feet for 5 sq. feet of disturbance.

J. Hoffman reviewed the revised plan and noted that the applicant is proposing to move further from the wetland than the cart path.

R. Desautels said they would have to encroach on the buffer by removing 3 trees and a boulder then they would be going off the cart path and would stay out of buffer. R. Desautels noted that within the 100 foot buffer there would be no further grading or excavating except for the driveways. No structure or pervious within the 50 foot buffer. He noted that in fact there would be no other work within the 100 foot buffer.

D. Barnicle stated that the only real question remaining is whether or not the second home along the cart path constituted reasonable use. He noted that the SCC would have to permit construction in the 100 foot buffer to allow 2 houses.

N. Ryder noted that while it would be great to keep all development out of the buffers, the bylaw was not a prohibition bylaw. Disturbance within 25 ' is prohibited and structures within 50' are prohibited. She noted that except for 5 sq. ft. this plan met all of regulations and added a level of protection with the 100 foot no further disturbance area..

J. Hoffman noted that the access way was grandfathered. The applicant was proposing no new construction after the driveway grading is done. He noted that in his mind the project provides a net increase to resource buffer is worth the additional disturbance of 5 sq. ft.

E. Goodwin noted that reasonable still had to be a consideration. In his mind the project as presented was reasonable use. R. Desautels noted that they were not going to pave the driveway, it would remain pervious.

J. Hoffman noted that at this point, an informal poll of SCC, based on what is presented, is that there is a net positive gain by moving access. He noted that before a vote could be taken the commission needed to hear and consider comments from the audience.

Melanie Harrington asked how reasonable use was defined. J. Hoffman noted that it was not, under WPA guidelines, the charge is to avoid impacts to wetlands. He gave the example of a large wetland with upland access, the owner sells off some lots, causing some lots to only be accessible through wetland crossing. That is a self imposed hardship. Now to access house lots, the owner must impact wetland. He noted that the state allows up to 5 thousand sq ft, if it is reasonable use and not self imposed. That is where the commission

gets into judgement calls. J. Hoffman noted that another example would be 25 homes on a 48 acre parcel with no crossing vs 48 homes on a 48 acre parcel with wetland impacts. He noted that this commission would probably not find the second alternative reasonable.

J. Hoffman stated that the cart path exists and is a grandfathered use. This project is moving even further from wetlands. He noted that over time, the wetland would gain a larger protection area to the wetland. Mike Harrington stated that if there was only 1 house, there would be no disturbance to wetlands. J. Hoffman, D. Barnicle and E. Goodwin stated that the applicant is not disturbing wetlands, only buffer. The project was already outside of the wetland. The cart path exists.

D. Barnicle stated that the SCC needs to then look at the long term impacts to wetlands. If the project is built as proposed there will be no negative impact to wetland, improvement to cart path will likely improve erosion to wetland. As long as any other work is more than 100 feet then there will not likely will be any erosion to wetland.

R. Schiano stated that she owned the property on the other side of the wetland on Leadmine Road. She noted that the project was proposed in a pretty wooded area with tremendous wildlife and asked how many trees will come down. She asked if the plan is to take the whole ridge of trees down. R. Desautels confirmed the location of the neighbors property and outlined the limit of clearing, he clarified locations of wells and noted that his policy is to leave as many trees as possible.

J. Hoffman asked if there would be any impacts to neighbors property. N. Ryder stated that a large wetland was located between the back of lot 6 and the Schiano property.

Melanie Harrington asked how the SCC could be certain the project will not impact the wetland. D. Barnicle said they can not. A person who owns the land has use rights as long as they are meeting other laws and regulations. The value of a buffer has come out of some studies, the SCC is enforcing a reasonable buffer to the wetland. J. Hoffman stated that the further away the better yes. He noted that the state came up with a 100 foot buffer based on research. He added that Sturbridge has adopted a 200 foot buffer to provide prior review and approval and to prohibit actions that may impact wetlands. D. Barnicle noted that the town bylaw and state have buffer as a prior review and approval buffer to regulate action to protect resource not to prohibit action. Sturbridge tries to make that protection stricter than the state.

The public hearing was closed by unanimous vote.

Motion by Dave to approve the project as amended.

2nd John

disc

Ed should include all caveats stated with no wetland within 200 feet of back of work on lot 6
vote all in favor.

PUBLIC HEARING – 2 Nol's - Guerriere and Halnon for Allen Homestead, for 2 single family home lots and associated work related to the Allen Homestead subdivision.

J. Hoffman opened the public hearing, present were Elizabeth Mainini, John Nenart, and Mike Suprenant.

E. Mainini submitted the revised site plans. J. Nenart submitted J. Schmidt's environmental report.

M. Suprenant submitted a lot/street plan.

ENVIRONMENTAL ISSUES

J. Hoffman noted that the SCC would discuss the environmental report and issues first. He asked those present if they had seen recommendations 9-16. He asked them if they intended to comply? J. Nenart said the intended to comply with all the environmental requests. He noted that the detention basin was 60% complete and could likely handle a storm event. In addition, they planned to put temporary asphalt curbs in the next week to control erosion into the street in the area where sediments are running into Collette Road during heavy storms. M. Suprenant stated that the paving contractor could not get there until at least Monday.

J. Hoffman confirmed that M. Suprenant was part of project, he noted that the SCC had received a letter saying he was not. M. Suprenant stated that he was still an owner and in charge of construction. There is now only one other owner, Andy Dalbl, the third owner is out. He noted that if something needs to be done quickly, he has the resources to get it done. The SCC stated that there had been some confusion since L. Mountzoures had not designated a contact person. J. Hoffman stated that the report from L. Mountzoures named Mountzoures as official site contact. M. Suprenant clarified that L. Mountzoures worked for the A. Dalbl, Guerriere and Halnon as well as Judith Schmidt all worked for Mountzoures.

D. Barnicle noted that M. Suprenant now knew why the SCC is confused every time the different parties come before the commission and don't know anything anyone else on the project is doing. J. Hoffman suggested that if the owners and their representatives needed some help straightening out who was responsible for what, so that the environmental issues could be addressed, the commission would be more than happy to help by issuing a stop work order until all ownership and responsibility issues were resolved.

J. Hoffman suggested that the hearing return to the items in J. Schmidt's report. He stated that he did not see erosion control measures corrected and repaired as necessary along Tannery Road and Collette Rd. He noted that during the site visit he and D. Barnicle had noted haybales demolished for a long time by the construction of the retaining wall. He noted that it was not fresh damage and had not occurred in the past few days. J. Nenart noted that it had happened during new construction in the swale. J. Hoffman noted that the report just submitted stated that all erosion barriers were repaired as needed. He stated that D. Barnicle and he had looked at it last night during site visits and it was destroyed.

D. Barnicle noted that there were people on site every day, but problems with are not being addressed. D. Barnicle asked if for detention basin #1, for the stone wall, was concrete being used as filler. M. Suprenant said yes, it is a masonry wall. D. Barnicle said he did not know it would be a stone wall, at the last meeting he had heard fines would be added to slow down seepage through the water quality swale. J. Nenart clarified that no migration was supposed to go through the wall. It is intended to go into the storm drain and out through the pipe at the far end of the basin. D. Barnicle asked when that part of the project is to be done. J. Nenart and M. Suprenant said it would be done in 1 week to 10 days. D. Barnicle asked when the back wall of the detention basin would be reseeded. D. Barnicle noted that the mat was

holding back the soil but there was no vegetation on the mat. M. Suprenant said it needs to be reseeded. D. Barnicle and M. Suprenant clarified that the plan calls for matting on slopes greater than 3:1, if less than that no mat is called for. D. Barnicle stated that the mat ended in the middle of one contiguous slope at a clear line where there was no difference in slope. D. Barnicle noted that the SCC had asked to have the slope reseeded last year. M. Suprenant said it was seeded but died. He also stated that additional mat and seed would be added as needed

J. Hoffman noted that the SCC is not the overseer to supervise constantly to see that the 5 things needing to be done got done. J. Nenart said that was why L. Mountzoures was hired, he is planning on taking care of things J. Schmidt sees wrong. J. Hoffman noted that ideally representatives would not keep coming to the SCC saying that. He noted that the SCC just wants to see it done. J. Hoffman noted that he saw the shopping cart in the pond along time ago and asked to have it removed along time ago. M. Suprenant said he understood the SCC wanted it left there for habitat. N. Ryder noted that the fallen trees were to remain for added habitat value but debris was to have been removed. J. Nenart stated that he would have a surveyor out to check the seeding and slope and to remove the cart.

COVENANT

J. Nenart reviewed the land covenant for surety. He noted that the term unlimited attorneys funds had been changed to reasonable funds. N. Ryder noted that town counsel had reviewed and submitted changes. J. Nenart said the changes were made. The SCC reviewed the final covenant. approved and signed by unanimous vote.

LOTS 31/34 AND 32/32

The SCC and E. Mainini discussed having the retaining wall tied into the soil behind the wall rather than resting on ground below. D. Barnicle stated that the applicant was aware the were putting the wall at 25 feet from the wetland. He noted that left no room for construction. E. Mainini stated that it was 30 feet from wetland. She noted that the house could be no closer to the road because of zoning.

J. Hoffman noted that lot 31/34 should be a case study to the Planning Board and the Commission on why and how to amend the regulations. The SCC should write a letter asking how this meets any reasonable planning design.

The SCC expressed concern with the pipe designed at the top of the wall. E. Mainini noted that it was changed to be at grade so there would be no waterfall off the back. D. Barnicle stated that a diffuser of some type should be added such as dragons teeth. E. Mainini asked if rip rap would be OK. Yes. Dave said they were looking for a measure to prevent chanelization

D. Barnicle asked where the roof drains where. E. Mainini showed where they ran into an underdrain and then to the infiltrator.

E. Goodwin stated that he could not approve the site. He said it had to be 50 feet from the wetland. He stated that when the SCC approved the subdivision they knew there were some lots that could just not be built on, he felt this was one of them.

D. Barnicle noted that in addition to the house and wetland, an access easement is on 31 for the water quality swale. J. Nenart stated that the easement runs down property line. J. Hoffman stated that an easement would not be a big impact, they only needed once in a blue moon access to clean out silt, maybe once every couple years. M. Suprenant agreed and noted that cleanout should be about every 3 years, checked twice per year, but designed for cleanout every 3 years.

E. Goodwin stated that the plan called for new construction 35 feet from wetland – that does not meet current regulations. J. Hoffman stated that the house lots predate the regulations. The SCC approved the plan with houses shown with no increase in size of coverage. The lots needed to come back in for review prior to construction. E. Goodwin stated that the applicant was also told that the Commission did not consider many of the lots approvable. He stated that he would not approve many of these lots, this one included. N. Ryder noted that both J. Hoffman and E. Goodwin were correct. She stated that in the public hearing and permit, the applicant was told that several of the lots although shown as house lots would not be approved unless overwhelming evidence was presented showing that there would be no negative impact to the resource area. The applicant had been informed that the Commission did not feel this was possible on several lots, but the SCC would give him the benefit of the doubt at that point. The SCC will need to decide if the evidence for this lot indicates that there will be no negative impact to the resource area.

D. Barnicle stated that the fill on that lot needs to come out. J. Hoffman agreed, it was not compacted, some huge boulders are present that would not provide a stable base. J. Nenart stated that it does meet town regulations. D. Barnicle asked if lot 31 is one of the storage areas for fill from on site. M. Suprenant said it was not. E. Mainini asked if the SCC assumes the 50 foot no structure buffer does not apply, can the SCC deny construction of the house on this lot. N. Ryder stated it would be deniable under the reasonable use section, the work is 35 feet from wetlands, if SCC is not convinced that the wetland can be protected and SCC can not come up with conditions that will protect the wetland, then SCC must deny the construction. On the other hand, if conditions exist that will allow protection to the resource and all regulations are met, then the commission can not completely prohibit construction.

E. Goodwin stated he still needs to site visit. The hearing is continued to 7/24 at 10:10 D. Barnicle noted that the SCC needs to see this lot as a group in order to discuss impacts while seeing the lot.

32/32

E. Mainini outlined the infiltrator running into the swale. D. Barnicle asked what will be done to the water quality swale. J. Nenart said the plan was on the original plan. The SCC reviewed the site plan. D. Barnicle and E. Mainini discussed grades and the entrance. D. Barnicle noted that during the site visit, a large mound of soils creates a drop down the middle of the lot. E. Mainini said the home would be a drive under walk in style home.

E. Goodwin, D. Barnicle, and J. Hoffman noted they had no other issues with the lot. The hearing was closed and the lot approved by unanimous vote. A permit will be ready for signing on the 24th of July.

PUBLIC HEARING – Nol – Stephen Murphy for single family home construction and related at 30 Lakeview Drive.

J. Hoffman opened the public hearing present were Stephen and Pat Murphy.

J. Hoffman noted that the Commissioners had already taken a great deal of time individually reviewing the project application as it dealt with new issues, namely development within protected riverfront but on a pre-existing lot. He noted that the Commission had taken a lengthy site visit to see the lot and river. In addition, the SCC had reviewed EcoTec's notes and evaluation and the WPA regulations and noted that section 10:58(4) (d) (3) allows a single family home in riverfront areas for pre-existing lots only, when all other regulations are met, and when impacts are minimized to the greatest extent possible. The Commission and the Murphy's reviewed the house lot plan and the riverfront buffers. They reread and reviewed the regulations and site visit notes. The SCC noted that the plan proposed pulled the home to the front as far as possible without violating zoning regulations. It was not excessive, and it minimized disturbance within the riverfront.

D. Barnicle, motion to approve as presented. E. Goodwin, second. Discussion, none. Vote all in favor.

FOLLOWING

PUBLIC MEETING- W. Swiacki for review of draft land covenant and conservation restriction for Draper Woods Subdivision.

D. Barnicle and W. Swiacki reviewed the covenant and discussed D. Barnicles 5 concerns. As the hour was late, they will finish the conversation by email and forward the results to the SCC office.

FOLLOWING- PUBLIC HEARING –New Forestry Application Review
None.

**NEW BUSINESS – OLD BUSINESS – OTHER BUSINESS – LETTER PERMITS -
CERTIFICATES OF COMPLIANCE**

Tabled to the July 24, meeting.

Motion to close at 12:20 AM, approved by unanimous vote.