

STURBRIDGE CONSERVATION COMMISSION

MINUTES FOR THURSDAY, JUNE 5, 2003

MEMBERS PRESENT

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

7:00 PM

PUBLIC HEARING – Continuation of discussion and final approval of land protection documentation for the Preserve.

J. Hoffman opened the hearing. Present were B. Levite, K. May, C. Childress.

The SCC reviewed a signed copy of the final CR with B. Levite. B. Levite outlined and reviewed the mylar, which would be recorded with the CR showing the easement for access. J. Hoffman confirmed that the Planning Board was all set with the easement. D. Barnicle reviewed the detention basin, which is to be held by the DPW for maintenance. The Commission voted unanimously to accept the easement and CR for parcel A, land to be held by Opacum, CR to be held by DEM.

J. Hoffman stated that still did not resolve the issue regarding a conservation restriction on parcels B&C. B. Levite suggested that the SCC wait and see how it goes. He noted that both B&C were small, less than 10 acres, with many vernal pools. He also noted that none of the vernal pools had endangered species in them. He stated that SCC would still have jurisdiction over them as all parts of both parcels fell within the 200 foot buffer. He added they were not accessible to anyone. The biggest problem will be Opacum managing the land and keeping abutters off of it.

The SCC and attendees discussed the issue. C. Childress agreed with B. Levite. N. Ryder asked what was to prevent Opacum from dividing up parcels B&C and selling them to the abutting land owners. She noted that there would be no access to check on them from anyone at that point to make sure there was no encroachment, SCC or other wise. The SCC and attendees continued to discuss the isolated nature of the parcels and the boulder barriers around most of the vernal pools.

J. Hoffman asked the SCC if, based on the discussion he was hearing, that the actions relating to conditions 101, 102 and 104 were appropriate and had been complied with.

Motion by D. Mitchell to accept the Conservation Restriction as being in order and complying with the related conditions, to transfer the mylars currently in the custody of the SCC to Opacum for recording and to approve the recording of all documents (The Conservation Restriction, the Mylar showing the lot and easement access, the Written Consent to action of Opacum Land Trust, the Clerks Certificate, the Access and Indemnification Agreement, and the Quitclaim

Deed). 2nd by D. Barnicle. Discussion – N. Ryder stated that once again she was objecting. In this case to the lack of CR protection for open space parcels, B and C. The SCC, in essence was securing no real protection for these 10 acre pieces containing several vernal pools. While the landowners and abutters could technically not disturb anything, should the land trust chose to divide and sell the land to the abutters, the SCC would not have the right to access the land to make sure there were no violations as it would be private property. Selling the land to raise funds is in a land trusts charter and the SCC would have no recourse to even walk and view the land for violations. Vote - All in favor.

WALK IN ISSUES

MINUTES REVIEW

CPAC UPDATE

E. Goodwin noted that the CPAC had been asked to consider a partial purchase and noted that the Holland Road parcel had been purchased by a private individual. No other information was available at this time.

CORRESPONDENCE REVIEW

Correspondence reviewed, included; A memo from Tom Chamberland as Tree Warden outlining potential "Forest Legacy" grant programs, D. Barnicle, N. Ryder and G. King will meet with Tom to discuss possible options at the end of July; A memo from J. Malloy regarding the town's matching grant account; A memo from Lycott notifying the SCC of an upcoming treatment to Big Alum Lake; A dialogue for the future update from J. Malloy regarding primarily programs for youth in town; A Lake Quaboag update regarding weed infestation problems and silt island buildup issues which are destroying the recreational value of the lake; Quinebaug Shetucket meeting minutes of May 21; New England Environmental memo; Mass Wildlife News.

DISCUSSION OF NEW INFORMATION

J. Hoffman reviewed the cleanup progress at 51 Holland Road. He summarized the DEP involvement, noting that DEP was also having difficulty reaching the owners. He noted that a plan to remediate was being required by DEP, the owner had 30 days to comply which was almost past, but had not submitted anything to DEP or SCC yet. He requested that N. Ryder keep in contact with DEP and report back to the SCC as needed. E. Goodwin stated that the only way to resolve this issue with the current owner was to keep pushing.

REVIEW OF SITE VISITS

CONTINUATION OF PUBLIC HEARINGS FOR CLOSURE AND PERMITTING

Permits for 2 public hearings were signed and issued by unanimous vote, see the minute of May.

PUBLIC HEARINGS – 3 Nol's – New England Environmental for Swiacki for Whittemore Woods infrastructure, for Whittemore Woods Subdivision single family homes, and for 96 Fairview Park Road (an ANR lot for which the property is part of the subdivided Whittemore Woods properties and there for under conservation regulations part of the subdivision)

J. Hoffman opened the hearings, B. Griffin and W. Swiacki were present and requested a continuation to July 24th at 7:30 PM. Granted. A tentative continuation based on M. Marcus schedule, to July 10 at 10:10 PM, is also scheduled, but will likely not take place. A site visit will be conducted on Wednesday, June 18th at 3:30 PM.

PUBLIC HEARING – Nol – New England Environmental for W. Swiacki for Estates North, 78 Hall Road, for roadway and associated drainage structures.

J. Hoffman opened the public hearing, present were B. Griffin, and W. Swiacki.

B. Griffin outlined the Estates North site, the lot is primarily a wooded slope to the road, the resource area is BVW and exits to an intermittent stream (it should be noted that the stream is Hobbs Brook and is perennial not intermittent) south of the Levesque property via culverts. A second culvert leads from the wetland to Pistol Pond near the Comfort Inn, leading eventually to Hobbs Brook. B. Griffin noted that the detention pond was as close to the road as possible, with run-off routed through stormceptors and into the wetland.

D. Barnicle asked if there were oil and water separators in the stormceptors. B. Griffin said he believed so, and would check.

B. Griffin noted that there were slight differences between this plan and the preliminary plan previously reviewed by the SCC. He stated that the surveyor's plan showed discrepancy in distances, so NEE rechecked the flagging. Some flags had been altered or moved, (F-2 and F-8), NEE took the more conservative location of the two in both cases resulting in the wetland line now being closer to the detention basin. The edge of the basin is now within the 25 foot buffer. D. Mitchell noted that the edge of the silt fence is now right on the edge of the wetland.

J. Hoffman questioned why the basin could not be moved to meet the current regulations. B. Griffin said it could but in this particular case, it would be more desirable to have the basin as low as possible and closer to the wetland to allow better movement of water and to keep the levels of the basin and the wetland closer together. He noted that they could move the basin if the SCC desires.

W. Swiacki stated that M. Marcus recommends keeping the basin shifted as far down slope as possible to catch more runoff from the proposed road. He noted that the issue should be kept open and brought back for discussion after verification and a site visit in the field. He noted that they were not looking for a

decision tonight. He noted that he would like a quorum opinion in the field so he could bring a final revised site plan to the meeting on the 19th.

D. Mitchell noted that the maintenance access is directly adjacent to the wetland. He noted that it should be on the other side. J. Hoffman agreed. W. Swiacki stated that it was there because the top of the berm is a cup. E. Goodwin noted that the top of the berm between the basin and the wetland should be vegetated. D. Mitchell said they were two different issues.

D. Mitchell asked for clarification as to whether the stormceptors removed sand and grit only or oil and water also. He compared the plan to the preliminary showing oil water separators. M. Loin who was in the audience for a different project stated that Stormceptor did have oil water separators.

W. Swiacki asked if there would be any hydrology questions for the meeting continuation on the 19th so he could have someone there to address them. J. Hoffman stated that would become evident on the site visit. He did not have any at the moment. D. Mitchell said he would like clarification as to exactly what conditions the water from the wetland exited under the culvert near Levesque's. M. Loin noted that both culverts exit to Hobbs Brook, one through Pistol Pond, the other directly.

PUBLIC HEARING – Nol amendment – Bertin Engineering for The Boardwalk, 500 Main Street, for an additional entryway within the 50 foot buffer.

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

M. Loin submitted a revised plan for 500 Main Street, he noted that all work was outside the 25 foot buffer, a curb cut permit had been obtained from Mass Highway, additional plantings were proposed, and a parking area is proposed off the Whistling Swan parking area and behind the drainage channel. He stated that a Nol would be filed for the parking area but no work would be within 25 feet of a wetland.

J. Hoffman noted an area on the plan, which was within 25 feet. M. Loin agreed and noted that for one small area there was some grading within 25 feet.

D. Mitchell asked if the access to the back proposed parking would only be from Whistling Swan. Yes. D. Barnicle asked if that would require cutting into the hill. M. Loin said it would but an earthen berm 3 feet high would remain between the parking area and the channel. D. Barnicle stated to M. Loin that he was proposing to remove all the shade and pave the area. He asked M. Loin if he really believed he wetland would still exist. M. Loin stated that he would not be taking all the trees. D. Barnicle stated that the end result would be to fill or dry up the wetland. M. Loin noted that it only caught stormwater now. E. Goodwin

stated that in summary, M. Loin was proposing to destroy a wetland, he stated that the SCC needed to go back and review any plans very carefully.

D. Mitchell clarified that the only issue before the SCC at the moment was the additional curb cut. Nothing else. M. Loin agreed and stated that he was just looking for feedback for the parking area filing. E. Goodwin said he should keep all disturbance outside 25 feet and all structure and pavement outside 50 feet. J. Hoffman confirmed that M. Loin was proposing work, tree cutting and grading within the 25 foot buffer. Yes. J. Hoffman agreed with E. Goodwin that he would not approve it as proposed.

D. Mitchell confirmed that all plant material and plants within the area of the curb cut would be moved and replanted. Yes. D. Barnicle asked if the cut would change the drainage in any way. M. Loin said no, he outlined the direction of flow from all areas of pavement. D. Mitchell asked if there would be any return of pavement to vegetated area. M. Loin said the ration of pervious to vegetated would remain the same.

J. Hoffman asked if there were any further concerns or questions regarding the amendment, which is for the additional curb cut only. The parking is to come back as a separate Nol. No.

J. Hoffman stated that he would need a revised plan, which did not include the proposed back parking plan prior to approving. The SCC agreed. The hearing is continued to June 19 at 7:20 for closure and permitting pending submittal of a revised plan which addresses the SCC concerns.

PUBLIC MEETING – Bertin Engineering for Sturbridge Isle for final remediation plans for the truck stop parking lot.

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

M. Loin outlined and reviewed the two areas of concern shown as details A&B on the final plan. He noted that the basin would be raised above the outlet pipe and that stone check dams and a riprap outlet would be added to the armored channel. A safety fence would be installed as shown above the channel.

D. Barnicle asked if M. Loin had been out to the site recently. No. D. Barnicle stated that he went out after the last storm, which occurred a couple days earlier. The bowl was completely filled, running into the parking area and black residue was deposited on the rocks. He went back the next morning and the water had perced down completely. M. Loin said that would not surprise him, the area was all gravel. D. Barnicle noted that the storm approximated the 2 year storm, but did not back up on the side which was a worry. J. Hoffman, D. Mitchell and E. Goodwin all agreed that was a positive situation.

D. Mitchell, D. Barnicle and M. Loin discussed the scouring behind the area where the Vortecnix backs up. Smaller stone will be added to control and prevent scouring. D. Barnicle stated they should fill it with something the size of pea stone or larger so it won't move easily. The same should be done at the corners of the parking areas also. M. Loin suggested 3 inch stone or larger. D. Mitchell asked if this was done or to be done. M. Loin said to be done with SCC approval, that was why he was before the commission.

D. Barnicle noted that trucks backing up to the edge of the drop off was a real problem. M. Loin said he agreed and noted that every time he was there, trucks were right there with the backs over the edge. He stated that boulders and fence would be added and reviewed the detail. Plans are available in the SCC office on request.

D. Mitchell clarified that the stone check dams would be rebuilt more efficiently where currently noted by stone piles. Yes.

The amended plan is approved by unanimous consent.

M. Loin will notify the SCC when the work is completed so a site visit can be taken.

PUBLIC MEETING – Judy Schmidt for environmental issues associated with Allen Homestead.

J. Hoffman opened the hearings, present were Judy Schmidt, Elizabeth Mainini, and John Nenart.

J. Schmidt is the new environmental reviewer for the project. She submitted a current list of environmental issues and noted that those on the checklist the SCC had submitted to Allen Homestead were done if they could be or under design. She noted that the erosion control had been beefed up where needed and the catchbasins would be done soon. She stated that her first goal was to finish off the water quality swales, the contracting to have that finished was underway. She noted that she had added extra erosion control at the bottom of the swale and in the swale to avoid slumps into the basin from the swale. She noted that she would be sending the SCC and Louis Mountzoures weekly reports.

J. Schmidt said the other issue of concern at the moment is the curbs, there is so much loose soil when it rains that it gullies resulting in a large amount of sand in the catchbasins. She stated that she would get that scheduled soon and will add erosion control around the catchbasins to slow and catch the flow before it fills the catchbasins.

She noted that she was still getting up to speed on the OoC. She noted that she had still not seen a NPDES permit and was concerned about that. N. Ryder

noted that was a federal permit and should have been obtained prior to the start of work.

She noted that she had also not seen how the detention basins and swales were to be vegetated but would get back to the SCC on that. She noted that she would make an appointment next week to come in and review the SCC public hearing file for all related documents.

D. Barnicle asked if she believed there was any danger of the detention basin failing due to heavy rains. J. Schmidt said she did not. They did not look great, but they were functioning correctly. They discussed the unstable slopes. J. Schmidt noted that there was a rock base under the gravel so there was some structure. J. Schmidt was not concerned about the wall falling apart during the rainy season. She was concerned what would happen when the rain stopped, the soils dried out and then a heavy, hard, driving rain occurred. She noted it would be a problem then and stated that she hoped they would be finished by then also.

D. Barnicle stated that earlier in the spring, the detention basin seemed to be conducting the water to the wetland rather than retaining it. He noted that as much of it is runoff, if the basin is dry does that mean the wetland may dry up. J. Nenart stated that he believed the first basin was for water quality not detention. J. Schmidt noted that there were recharge basins with in the lots that also recharged to the ponds. She noted that the water did flow through the rock based berm too quickly, decreasing the water quality aspect that it was supposed to provide. She noted that finer gravel would be added to slow it down. J. Nenart noted that the situation was odd in that only half of the detention basin was part of the original bid. He stated a packet was out to construction companies and that he was expecting a bid. E. Goodwin noted that in the middle of the building season E. Goodwin noted that in the middle of the building season there was so much demand on contractors at the moment it was hard to find those that would accept small projects. He asked when they expected to have the job done. J. Nenart said he had contact with 2 companies, both said they could have the job done in 2-3 weeks. D. Mitchell asked how big the project was. J. Nenart said it was a 9 foot wall all around and approximately one and a half weeks of actual work. Not a huge job.

D. Barnicle asked if there was a new owner. J. Nenart stated that Louis Mountzoures represented the majority owner.

E. Goodwin stated that the same construction concerns applied to the curbs. He asked when they thought they could be done. J. Nenart said he did not know, the work was part of the original road contract. E. Goodwin stated that the SCC needed answers, the curbs and basin needed to be in within 3 weeks or so. He

was concerned that there had been no changes yet relevant to actually protecting the wetlands.

J. Hoffman stated that the Commission would block out a small review time on the 19th. If there was no action, the SCC may need to stop work so the contractors could focus on the job that needs to be done first. He noted that it was not likely a one and a half week job could get done in 2 weeks, but felt there should be significant progress by then.

J. Nenart noted that the slopes would be loamed and seeded. E. Goodwin stated that he could live with 3 weeks but noted he would not be patient much longer. J. Nenart stated that if they were working on the problem but had not completed it would that be satisfactory. J. Hoffman said it depended on the extent of progress. D. Barnicle agreed.

D. Mitchell asked J. Schmidt for site plans with the reports to identify locations being discussed and locations of concern. D. Mitchell asked J. Nenart how items of concern should be forwarded. J. Nenart and J. Schmidt both said directly to the site contractor. D. Mitchell noted that the action items were good, but he was worried about the news getting to the site workers. N. Ryder stated that the SCC had not yet received a name and number for a current site contact. That should be sent in as soon as possible.

J. Schmidt noted the last item of concern was that the lot numbers did not match up to the numbers on the trees. She would request an updated map and urged caution until the plan was clear to all parties.

The SCC thanked J. Schmidt and J. Nenart and stated that they appreciated their work on the project site and the update.

N. Ryder noted that the lot covenant was resubmitted but did not have a plan attached. Town Counsel had not responded, but any changes would be submitted to L. Mountzoures as soon as the SCC office received them.

J. Hoffman noted that an updated checklist needed to be issued showing which conditions were current and which still needed to be addressed.

PUBLIC HEARING – Nol cont. – Todd Girard for Caron Construction for single family home construction, wetland crossing and related at 124 Clarke Road.

J. Hoffman opened the public hearing. Neither the applicant nor the representative were present, no request for a continuation had been submitted to the SCC.

The Commission reviewed the application as filed.

J. Hoffman asked if anyone would like to make a motion.

Motion by D. Barnicle to close the public hearing. 2nd by D. Mitchell. No discussion. Vote – all in favor.

Motion by D. Barnicle to deny the project as presented for the reasons as stated in the Order of Conditions – denial. 2nd by D. Mitchell. Discussion – E. Goodwin requested an enforcement letter be sent out to remove the dumping and vehicle illegally stored adjacent to the wetland. The SCC agreed to issue an enforcement if the pile was not already removed. N. Ryder and D. Barnicle will check on it. A motion to issue an enforcement was made by E. Goodwin, 2nd by D. Barnicle and approved by all. The vote to deny the project as presented made by D. Barnicle was approved by unanimous vote.

PUBLIC HEARING – Nol cont. – Todd Girard for Caron Construction for single family home construction, wetland crossing and related at 92 Brookfield Road.

J. Hoffman opened the public hearing. Neither the applicant or the representative were present, no request for a continuation had been submitted to the SCC.

The Commission reviewed the application as filed.

J. Hoffman asked if anyone would like to make a motion.

Motion by D. Barnicle to close the public hearing. 2nd by D. Mitchell. No discussion. Vote – all in favor.

Motion by D. Barnicle to deny the project as presented for the reasons as stated in the Order of Conditions – denial. 2nd by D. Mitchell. Discussion – none. Vote – all in favor.

PUBLIC HEARING – 2 Nol's – Todd Girard for Mystic Builders for 2 single family homes and related at 6 & 8 Vinton Road.

J. Hoffman opened the hearings, both were held simultaneously. Present were, Ray Desautels, Todd Girard, Michael and Melanie Harrington, and Dave Kranecky.

N. Ryder noted that while the legal notice had been reposted, the abutters had not been renotified. The abutters had been notified months earlier, but the application had been incomplete at that time. The hearing would have to be continued to allow all interested abutters the opportunity to review the project and speak. The SCC and Harrington's agreed to an informal review and outline of the proposed project as the applicant was present and a 20 minute time block was already scheduled.

The public hearing was continued to June 19 at 9:50 PM.

R. Desautels reviewed both proposed lots, the lot boundaries, the wetland boundary, the 25 foot, 50 foot and 100 foot buffer, and the existing cart road. He noted that he would be asking for a waiver from the 25 foot no-disturb regulation.

Melanie Harrington stated that the hardship was self-imposed and asked how the SCC could allow that. D. Mitchell stated that although the meeting was informal at this point, the SCC would follow standard procedure and allow the applicant to speak first, followed by questions from the Commission and then comments, and questions from the audience.

R. Desautels stated that the reason for the waiver request was that it resulted in less disturbance to the 50 foot buffer to allow the use of the existing cart path. Having to reroute the entrance a few feet further away would result in the unnecessary loss of many trees, and forest brush. He noted that a waiver was granted under only unusual circumstances but felt that if the SCC visited the site the reason would become clear. Using the cart path would result in no excavation near the wetland and much less disturbance to the 100 foot buffer.

The SCC clarified the frontage and property lines. R. Desautels stated that he could have created three lots, but chose to create two to avoid impact to wetlands. E. Goodwin noted that reasonable use came into play. D. Barnicle clarified that the driveway was for 1 lot only. He noted that he also believed use of the 25 foot buffer was a self imposed hardship. He asked if the lot lines could be shifted to keep all work out of the 25 foot buffer. R. Desautels stated that he could go to the Planning Board and request a waiver but at the present he was looking at 2 house lots and asked the SCC to consider the issue based on the current regulations including the waiver provision allowing work in the 25 foot buffer in unusual circumstances. N. Ryder noted that the intent of the waiver was for pre-existing lots and not newly created ones, she noted that she would review the actual wording.

R. Desautels stated that he would be willing to replicate the 8 feet of disturbance.

J. Hoffman noted that the only time the SCC has granted a waiver from the 25 foot buffer was for a lot with existing disturbance within the 25 foot buffer at 500 Main Street. The resulting disturbance within the 25 foot buffer after the project was complete was less than it had been before it started.

He noted that the application would be completely reviewed again on the 19th and asked if the SCC had any questions prior to the site visit. No.

M. and M. Harrington noted that the vernal pool data shown for lot # 17 is actually based on pre-911 lot numbers. The vernal pool is actually on what is now lot # 6. The SCC discussed the vernal pool data. D. Barnicle stated that he

had an issue with the pond as a vernal pool as it was reported to contain adult fish. J. Hoffman reviewing the report noted that it was a report only and not an official certification. He asked N. Ryder to contact NHESP and see if it was actually certified. D. Barnicle noted that it could not have been certified as it had adult fish reported in it and it had a clear outlet. N. Ryder agreed.

The SCC discussed vernal pool buffers and certification criteria and contiguous wetlands. D. Mitchell asked who the wetland scientist was for the project. T. Girard. T. Girard stated that he had looked at the area and did not feel it could be certified as a vernal pool. E. Goodwin stated that the area would need to be looked at. If the pvp was contiguous with a larger wetland it may or may not be a vernal pool. J. Hoffman noted there were no flag numbers on the plan. The wetlands will need to be reflagged, and a site plan reflecting the numbers submitted. The SCC will conduct a site visit on Saturday, June 7 to verify the wetlands delineation and to look at the potential vernal pool area.

M. Harrington stated that Opacum may be interested in purchasing the land. R. Desautels stated that was an issue he would be willing to discuss outside of the public meeting and suggested they talk on Saturday morning.

R. Desautels also asked the Commission to look at the cart path and the amount of disturbance that would need to occur to move the entrance over a few feet. E. Goodwin noted that the lot lines as currently shown would not allow the driveway over a few feet as it would be on the abutting property. He instructed the applicant to exhaust all other possibilities including moving lot lines before asking for a waiver.

PUBLIC HEARING – Nol cont. – Tighe and Bond for temporary pump discharge near Hamant Brook relating to well testing at 44 Shattuck Road.

J. Hoffman opened the public hearing, present were Mike Zylich and John Gervais of Tighe and Bond and Bill Muir and Ed Rotty as abutters.

M. Zylich stated that the main project is to install a new well to replace the contaminated well. He stated they were working through the DEP approval process and were at the stage where they needed to test to see if there would be adequate water supply, of a quality that would meet town needs. He noted that they were specifically looking for approval for the pumping test portion of the project only. The well itself is more than 400 feet west of Hamant Brook resource areas. According to DEP regulations they needed at least 500 gallons per minutes, 24 hours per day for 5 days. Monitoring observation wells throughout the aquifer system, nearby private homes and the unnamed stream would identify any potential long term problems. The test required that the pumped water be discharged a minimum of 1000 feet from the proposed well site to avoid false recharge values.

M. Zylich stated that in terms of mitigation, they proposed installing 2 haybale silt fence lines. One would be at the discharge point, the other would be 50 feet down from that. In addition, 2 4x8 ¾ inch plywood boards would be placed at the discharge to prevent erosion and channeling. The water would be dispersed through a 6 inch by 1000 foot fire hose.

J. Hoffman asked if a sparger would be better for dissipation and result in less erosion. J. Gervais stated that they had to discharge at one narrow point so back pressure would not give false readings. J. Hoffman asked if a pipe perforated 3 or 4 times would impact the readings 1000 feet down line. J. Gervais stated that they needed to measure the pressure at the discharge to determine the potential flow rates. D. Mitchell asked why they could not measure further up and place a discharger down flow of the measurement station. J. Hoffman stated that was a lot of pressure directed at one spot. They needed to think about the discharge impact to the ground.

D. Barnicle and J. Gervais discussed the dissipation rate and the gravel in the area.

D. Mitchell asked how deep the well was. J. Gervais said 50 feet with gravel under. D. Mitchell said he agreed with J. Hoffman that he was not satisfied that plywood would be enough to prevent serious erosion, but he had no good ideas to offer either. J. Gervais said they would like to impact the area as little as possible. He felt the water would dissipate over the forest floor and migrate to the brook. D. Mitchell stated that he would like to see the energy dissipated prior to hitting soils. N. Ryder asked if dragon's teeth would work. D. Barnicle said that with the force it would be released at, the water would likely swirl around creating a greater vortex. J. Hoffman asked if more plywood panels would help. D. Mitchell asked what direction the water would flow. J. Gervais said with the quantity of water it was hard to tell. It would be directed down to a low natural stone based swale. D. Barnicle stated that he did not think the swale would be enlarged by the flow. Maybe scoured a little more in points. D. Mitchell stated that he did not want to get to the point of altering the land. D. Barnicle suggested a geotech mat around the plywood. J. Hoffman pulled samples of geotextile mat from the display folder. E. Goodwin stated that would be good to run off the end of the plywood to dissipate the force.

D. Mitchell asked when they planned to start testing. J. Gervais said about 3-4 months after the well was installed, the screen ordered and final approval obtained from DEP. D. Mitchell requested that the SCC be contacted prior to the start so they could try to be present. That way if any problems occurred or the system did not work they could resolve the issue immediately. D. Barnicle stated that it would be better to start as soon as possible. J. Gervais stated that they had to conduct the test during the least flow time to accurately determine the impact to ground water wells surrounding the site.

D. Mitchell asked if there was anything coming out in preliminary quality tests. J. Gervais said nothing, no manganese or iron after 4 hours. He stated that was unexpected but excellent. He noted that the real test would be after 5 days of testing.

J. Hoffman asked if there were any additional comments or questions at the moment from the SCC. No. Audience.

B. Muir stated that the 1000 foot discharge line takes the well out of the approved gravel pit site and puts it directly near the pond on OSV property. He noted that the discharge water would eventually make its way to the pond.

E. Rotty stated that the abutters had not been renotified and asked when the meeting had been posted. N. Ryder stated that the hearing was scheduled to open on 5/15, but had been immediately continued because abutters had not received reasonable notice. She noted that the legal had been posted for the meeting on the 15th. The Applicant had shown proof that all abutters had been notified. Anyone interested had the opportunity to call the office and the applicant to obtain additional information on times or the project.

B. Muir and D. Mitchell discussed the percolation of the water into the swale vs. the direct discharge into the pond and brook. D. Mitchell noted that the thermal difference and the force of water if it was directly discharged might have a negative impact on the water body. 4500 gallons per minute was a stream flow in itself. Discharged into a dry swale to eventually make it's way to the pond or brook would create less of an impact.

E. Rotty stated that there was no OoC issued to install the test wells. J. Hoffman stated that the applicant had said there was no work except for the discharge within the 200 foot buffer. M. Zylich stated that they had installed test wells in the 200 foot buffer, he did not realize they needed permitting. J. Hoffman confirmed that the wells were already installed and stated that the locations would need to be clearly shown on a revised plan. J. Hoffman noted that any work requiring excavation within 200 feet of a resource area required permitting. He thanked E. Rotty for bringing the issue to the Commissions attention.

The hearing was continued to June 19 at 7:20, a revised plan showing test wells and the geotextile mat added as dissipation protection is to be submitted. The SCC confirmed with the applicants that besides the test wells and the dissipation/erosion control, the two main issues were dissipation of the force of the water and regulation of temperature prior to entrance into the stream.

E. Rotty noted that although he was not on the abutters list he would like to be notified of future hearings. M. Zylich said he would as a courtesy.

D. Mitchell stated he would like more information on the flow gauge for the hearing continuation.

PUBLIC MEETING – Kathleen Titus regarding landscaping possibilities and front lawn installation concerns at 94 (pka 96) Brookfield Road.

No show.

PUBLIC HEARING – Nol amendment – Sousa for Ricard for retaining wall improvements and repair at 53 Beach Ave.

J. Hoffman opened the hearing. Present were T. Ricard and S. Sousa.

The SCC and the applicants reviewed and discussed the plan to reconstruct the retaining wall. The current wall is deteriorating. The Ricards would like to remove it and restore the lake shore to its original line by pulling the retaining wall back several feet. The second retaining wall will be rebuilt behind the existing wall using versalock. The fill to the first retaining wall will then be removed using a backhoe stationed up behind the retaining wall.

D. Mitchell asked if they were planning on putting in a beach and noted that would be a problem and would require ACE approval. He summarized that the regulations state there can be no net fill or change in volume or it becomes an ACE issue. T. Ricard stated that they were not adding a beach, they only wanted to repair the retaining wall along the original shore line and remove the fill that had been added.

D. Barnicle stated that this created quite an ironical situation. The applicant wanted to decrease the 25 foot buffer even further. But in this situation, it was not an expansion of the use but a restoration of the original shore line. He noted that an excavator reaching over the wall would be less impact than a bobcat on the lake bed. S. Sousa said most of the work would be done by hand. D. Barnicle clarified with S. Sousa that a bobcat on the lake was not fine, an excavator on shore would be. D. Barnicle confirmed that the steps to the lake would be installed by hand.

D. Mitchell and S. Sousa discussed the proposed schedule. D. Mitchell noted that there would be no problem installing the versalock now as long as the excavation of the fill area was not conducted until drawdown in the fall, when appropriate erosion control could be installed. D. Mitchell asked how the grade would be restored. S. Sousa said that the fill would simply be removed up to the versalock wall.

D. Barnicle asked what the footing for the versalock would be. Gravel.

J. Hoffman stated that the SCC should not discount D. Barnicle's 25 foot buffer concern. If the goal is to provide a 25 foot buffer from resource areas to human use areas, it does not matter if you bring the development to the resource or the

resource to the development. The project diminishes the level of protection just the same. E. Goodwin agreed and stated that 25 feet was 25 feet, and questioned why everyone was not against it now. D. Barnicle stated that in this case the proposal made the existing situation better. J. Hoffman asked how. D. Barnicle stated the log retaining wall was rotting. J. Hoffman stated that the retaining wall could be rebuilt exactly where it is, during drawdown, with no impact to the lake, no beach area increase, and no decrease in the 25 foot buffer. He stated that the SCC needed to discuss the use of the 25 foot buffer for existing lake front homes and whether or not it was even practical. He noted that there was no easy answer, the purpose of the 25 foot buffer was good and based on sound principles, but if it was waived or being requested to be waived every application, then maybe it was not practical. E. Goodwin stated that yes, it was important, even if the SCC needed to consider waiver applications for each one, it set a base line goal and standard to protect the lakes. The SCC discussed the issue for a while.

T. Ricard noted that they were also asking for steps coming down from the porch. They would abut the 25 foot buffer but be no closer than the existing porch at 24.5 feet. She noted that the porch was currently a hazard to get off of. S. Sousa noted that the more important issue was the Building Inspector would not approve the house as the porch did not meet code without stairs. J. Hoffman and D. Barnicle confirmed that the stairs were no closer to the lake than the existing porch on the side opposite the lake, they were not in the 25 foot buffer and they would be constructed by hand. Yes, yes, yes.

D. Mitchell said he would not have a problem with the project especially with bringing the shore line back to its original line. He noted the home would still be outside the 25 foot buffer. The home predates the 50 foot no structure buffer. He asked for a statement or plan reflecting the 2 phase approach they discussed. T. Ricard said she would bring it in the next day.

The SCC is to be notified when the inside wall is complete and prior to excavation of the fill and outer wall.

PUBLIC HEARING – RDA cont. – Para for Thompson for a single family home and related at 364 New Boston Road.

J. Hoffman opened the hearing, present was Chris Thompson.

The SCC reviewed the plan presented. C. Thompson said the wetland was more than 100 feet from the area of disturbance, the vegetation in the 100 foot buffer was dense. The SCC clarified the lot location and the wetlands line. The SCC had no questions based on the plan submitted. The hearing is continued to June 19 at 7:20 and approved pending a site visit to confirm the details, distances to resource areas and delineation. Site visit is to be conducted on Saturday, June 7.

PUBLIC HEARING – Nol cont. – Cullinan Engineering for J&W Company for Stallion Hill Village.

J. Hoffman opened the public hearing. The applicant was not present, no representatives were present.

J. Hoffman noted that the hearing was open, the applicant had not shown for the continuation. He reviewed the documents attempting to contact the applicant. The SCC reviewed the items that were still in question. All documents relating to the public hearing are available on request from the SCC office.

J. Hoffman asked for a motion.

Motion by D. Mitchell to close. 2nd by J. Hoffman. Discussion – none. Vote – all in favor.

Motion by D. Barnicle to deny the application for lack of information necessary to determine whether resource areas would be impacted and to impose conditions to ensure there would be no negative impact to resource areas, as stated in the Order of Conditions – Denial. 2nd by D. Mitchell. Discussion – none. Vote – All in favor.

The hearing was continued to June 19 at 6:45 to review, amend and sign the Order of Conditions – Denial.

PUBLIC HEARING – 6 RDA's – Guerriere and Halnon for Allen Homestead for 6 single family homes and associated work related to the Allen Homestead.

J. Hoffman opened the public hearing. Present were Elizabeth Mainini and John Nenart.

E. Mainini submitted the overall lot plan showing the 6 home lots around the isolated wetland. She noted that work on several of the lots had already started, but the individual permits had not been filed for. She noted that the Building Inspector had been issuing permits for construction even though the OoC specifically stated that individual permits were needed for each lot relating to home and site work. The lots before the SCC and the associated street numbers are;

lot 28, Street # 42 – The house is built and sold, there is no erosion, the limit of grading is 170 feet from the wetland.

lot 9, Street # 39 – All work is outside the 200 foot buffer but part of the lot is within the buffer.

lot 10, Street # 37 - The house is built and sold, there is no erosion, the limit of grading is 160 feet from the wetland. A catch basin is located off the property and has erosion control around it to filter water before entering.

lot 11, Street # 35 – The lot is across the street from the wetland, a swale lies in front of the lot flowing to a drop inlet. J. Hoffman confirmed that every house had an infiltrator. The home is 145 feet from the wetland.

lot 15, Street # 27- The hole is dug for the foundation, a natural berm is located between the lot and the wetland. There is no actual work within the 200 foot buffer.

lot 12, Street # 33 – The lot is across the street, the same swale lies in front. All work is 158 feet from the wetland.

J. Nenart noted that there was a second isolated wetland upgradient from the subdivision, which is not noted on the construction plans. J. Hoffman stated that the wetland had been looked at but as there was no chance of erosion from any of the work it was not discussed as a potential issue. N. Ryder stated that she agreed with that recollection. A natural berm/barrier was between all limits of disturbance and the wetland. E. Mainini asked if they could submit the files as RDA's rather than NOI's as the work was within 100 feet but there was no chance of erosion. The SCC agreed with that, but asked to review the lots prior to any filing.

J. Nenart stated that in other issues, one water quality swale was built but contours were missing on the plans. The swale, when built, will be larger than shown on the plans. He noted that the access to maintain it will actually be a 14 foot drop and will need to be re-engineered. He noted that they had pulled the house back and dropped it down 10 feet off a 14 foot wall to try to minimize the maintenance drop. He asked if they could make the grading better could they change it. The SCC stated that they would need to see the revised plans. Street # 34, lot 31 will come back in on June 19th with amendments if possible.

He noted that haybales were located along the curb locations until they could contract those out to be finished.

He noted that the Great Wall of Allen's Pond was being engineered and would come in with a construction sequence. The Commission noted that the wall will be filed as one single filing. The SCC discussed stabilization of the top of the bank. J. Nenart said nothing was needed. The vegetation was growing back and no silt was even getting to the erosion control line.

D. Barnicle noted that the stormwater drain on Tannery Road was a full foot above the roadway. He asked if J. Nenart had looked at it. J. Nenart said he had not, but he would.

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

N. Ryder stated that the bids coming in for the Millyard Marketplace project were \$120,000.00 over what CME/CPK had estimated. She noted that J. Malloy was talking with DEP trying to remedy the situation. A meeting will be held to discuss options and revisions to the plan to use the funding while still meeting the main environmental goals for the project. J. Malloy had asked if some of the Commissioners could attend. D. Mitchell and J. Hoffman both volunteered and noted they could make early morning or late afternoon meetings. J. Hoffman requested a couple options so they could chose and work around the meeting.

The ENF for the Sturbridge Retirement Project was distributed for review.

The SCC reviewed a memo from Keith Beecher of ACE notifying them of bridge construction over the Quinebaug on the Southbridge line to connect the two trail systems. The work is exempt from SCC review but was filed as a courtesy. The foot bridge will be set on existing disturbed area and will not create any impacts. The SCC had no issues.

A request to amend the driveway and road swale at 168 New Boston Road submitted by G. Morse was reviewed. The SCC had taken a site visit in advance. The erosion causes maintenance and safety issues with ice in the winter for DPW. Approved by unanimous vote.

The erosion control at Tantasqua was reviewed, it is in poor repair. A plan to add a shed within the riverfront resource area was outlined. The SCC noted that there was plenty of places to put the shed without further disturbance to the riverfront resource area.

N. Ryder noted that she had submitted the Conservation Restriction submittals for the subdivisions to L. Eliason at town counsel for review. She will keep the SCC posted on progress and feedback.

Motion to close at 11:25 PM, approved by unanimous vote.