

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, September 4, 2003

MEMBERS PRESENT

J. Hoffman, E. Goodwin, D. Mitchell

7:00 PM

B. Freidman attended the meeting to consider volunteering as an associate or commissioner.

MINOR WALK IN REQUESTS

Doug Smith of Falls Road attended to explain his culvert replacement and driveway resurfacing project. He stated that he had completed the project prior to the commission letting him know a permit would be needed. When the commission did not knock on his door during the Saturday site visit, he assumed he was all set. He noted that the driveway resurfacing consisted of removing the current driveway, recycling, then reinstalling it. The culvert replacement was to replace a faulty culvert under his driveway. The existing culvert leading from a drainage ditch into the main stream, which then flows into the upper dam, was blocked. He dug a trench adjacent to the existing culvert, placed a new larger (5x) culvert pipe, and built up the side of the driveway with clay and large stones. He stated that he also dug a forebay type pit before the pipe to catch sediments prior to discharge into the stream. He showed the SCC pictures of the finished work.

J. Hoffman confirmed the direction of flow, and the location of the larger, existing culvert near the replaced culvert. He noted that the culvert, which had been replaced, was several feet below grade. E. Goodwin asked him how the trench was excavated. D. Smith said partly by machine, partly by hand. J. Hoffman noted that while the project should not have been conducted without prior review and a permit, he saw no after the fact impacts to the dam. E. Goodwin noted that he would need to see the site before and after the two culverts connected to the stream. The commission will take site visit on their own time and report back if they see any problems, which need to be addressed.

CPA UPDATE

MINUTES REVIEW

CORRESPONDENCE REVIEW

Correspondence reviewed included; environmental reports from J. Schmidt.

DISCUSSION OF NEW INFORMATION

REVIEW OF SITE VISITS, SCHEDULED AT PREVIOUS MEETING

Site visits had been conducted to Falls Road, Sanctuary with J. Bernadino, Sturbridge Isle Hotel area, 26 Tantasqua Shore Road, 10 Curboy Road, 104 Paradise Lane. Please see the meeting minutes for each hearing continuation.

PUBLIC HEARINGS - continuations for closure, review, amendment, and signing of OoC's and DoA's **Including,**

Permits for previously approved projects at 132 Lake Road, 500 Main Street, 265 Charlton Street and 23 Tannery Road, were signed and issued.

241 Podunk Road –

D. Mitchell opened the hearing. J. Remke submitted the final plan. The commission closed and approved the project as shown on the final plan by unanimous vote.

26 Tantasqua Shore Drive –

D. Mitchell opened the hearing continuation. Present was M. Farrell. M. Farrell noted that he received the commissions message regarding moving the septic location further from the edge of the lake. He stated that he did not want to get closer to the well than 102 feet, but he could move the proposed system an additional 5 feet from the lake. N. Ryder noted that she and D. Barnicle had been to the site, the edge of excavation as presented is directly on top of the bank to the lake. She noted that the crest of the bank would need to be removed. In addition, the edge of high water to the system was not more than 10-15 feet, not the 40 feet claimed in the application. J. Hoffman asked if he could incorporate stepped pipes. M. Farrell noted he wanted to keep equal distribution. D. Mitchell stated that they could be stepped and function correctly. E. Goodwin agreed. The SCC and M. Farrell reviewed various configurations. J. Hoffman asked if the entry pipes could be rotated to the other side of the system to avoid impact to the top of bank. M. Farrell stated that he did not want to have to cut into the retaining walls. M. Farrell stated that he wanted to keep the box on the outside of the main driveway and parking area. He noted that the system was at least 40 feet from the edge of water. N. Ryder disagreed and stated that it was very close to the high water mark and definitely disturbed vegetation within the 25 foot buffer. She asked the commission to take a quorum site visit and noted that the system could easily be moved further from the lake and still kept more than 100 feet from the well, by moving it away from the lake and partially down the bank perpendicular to the lake edge. She noted that either way bank would be impacted so the SCC should keep the bank to the lake intact. The other bank is not above a water body. A site visit will be taken on Friday, September 5 to review the distance to the lake and the potential to shift the system away from the lake. The hearing is continued to September 18 at 7:20 PM.

10 Curboy Road –

D. Mitchell opened the hearing continuation. Present was M. Farrell. J. Hoffman noted that the stream shown on the plan was perennial, was marked using a GPS unit and was shown to be the perennial stream shown on the USGS topo map. He reviewed the riverfront regulations with M. Farrell and noted that the commission would need to be shown evidence that this would be the least disturbing to the riverfront resource area and that there were no other alternatives. J. Hoffman noted that there was a huge field and asked why the system could not be moved further from the stream and still be within the open field. M. Farrell noted that Jackson Curboy had stated that the stream dries out.

M. Farrell noted that all the land had been disturbed right to the stream for farmland. He noted that the application asked for about 4% to 5% of the riverfront resource to be disturbed. He noted that the location shown was the site of the existing system; the rest of the field was ledge. The lower pasture was very deep with fill and would require at least 10 feet of excavation and back fill with sand. The impact to the stream would be much greater. The available sites were limited by the stream and the daughters well, which is 100 feet in the other direction. D. Mitchell asked how far from the stream the system would be. 160 feet. He confirmed that the proposed location was in the exact same spot as the existing system. Yes.

D. Mitchell noted that the contours lead to a longer flow path. M. Farrell noted that nothing would flow into the stream. D. Mitchell disagreed and stated that even sliding it 10 feet over would give added buffer to stream. M. Farrell agreed that he could slide it 10 feet. He then lowered that to 6-7 feet. D. Mitchell noted that the DEP regulations require at least 15 feet clearance from the edge of slope. He noted that the topo map was not showing what M. Farrell had on his plans. M. Farrell noted that the model was not good. That was why he carried the grade out so far. He noted that he could probably slide the system out 4 feet from where it is shown. J. Hoffman noted that it should be moved back as far as possible taking into account other constraints. E. Goodwin stated that in looking at it, it was a reasonable site. M. Farrell agreed and noted that it would be

loomed and seeded after the work was done. He noted he could get 3 additional feet back. The SCC asked if he would be trying for 2 feet next. D. Mitchell stated that if it could not be moved at least 5 feet further back so it was not on the edge of slope, it needed to come back in for further discussion. He noted that the stream was perennial but that there were mitigating factors in that the area is disturbed and the resulting conditions will be an improvement over the existing conditions. A draft permit will be ready for 9/18 at 7:20 PM.

Falls Road Dam project –

No DEP review number has been issued. No permit will be issued until a DEP review sheet is received. Continued to September 18 at 7:20 PM.

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

D. Mitchell opened the public hearing. Present were P. Abrams and? Abrams.

P. Abrams noted that circumstances had changed. The project as presented was withdrawn. The existing garage will be added onto, there will be no change in footprint, no excavation of soils, no cutting of vegetation, no tree cutting. All work will be done on existing foundation. Some pines along the back of the property may be thinned. The SCC noted that any tree cutting within 200 feet of the lake required a letter permit prior to start of work. C. Moran, an abutter, confirmed that the project was withdrawn.

N. Ryder is to send a letter summarizing the meeting and noting that an LP is required for any tree cutting or work within the 200 foot buffer. If more work is to be done that was stated an RDA or new NoI will be needed.

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

D. Mitchell opened the public hearing. Present was M. Marcus.

M. Marcus stated that he would like to discuss 96 Fairview Park Road prior to the other two submittals. He noted that when he submitted it, he had not thought it would be controversial and has since learned otherwise. He noted that it was technically separate from the subdivision as it had frontage off Fairview Park Road. He noted a revised plan with a 30 foot conservation easement. The two large trees shown must remain. The home will be within the 100 foot buffer to two naturalized man made ponds. All work is outside the 50 foot horizontal buffer to the ponds. He noted that if the SCC had enough information he would like them to close the hearing. If not, keep it open but let him know what was needed.

E. Goodwin confirmed that the land under conservation easement was to remain untouched. E. Goodwin also confirmed that although it was not part of the technical subdivision, it was part of the site and part of the property being subdivided and reviewed by the SCC. M. Marcus agreed and stated that it was filed as a separate NoI because it was outlying.

J. Hoffman asked what was outside of the lot. M. Marcus outlined the subdivision areas surrounding the lot including the roadway, detention basin, ponds, and adjacent lots.

D. Mitchell stated that if the SCC approves this plan, does that negate potential for access near basins. M. Marcus noted that access through this lot would be a moot point; the access to the basin should not go there. He noted that there were two other access possibilities, one from the subdivision road, and one through the ponds off the Ames plaza road. E. Goodwin stated that this would eliminate any future deliberations regarding this site. N. Ryder noted that any approval for this individual lot, should not remove this site or the other 7-8 ANR

cutouts from this property from being looked at in terms of the overall big picture impact and reasonable use vs impact. D. Mitchell, J. Hoffman, and M. Marcus noted that the point had been made several times and was understood. N. Ryder noted that despite the knowledge, the lots were still not shown on any plan and had not been discussed in terms of the overall project impact.

N. Ryder questioned putting a gravel access road through the middle of the ponds and noted that would likely ruin the pond area and cause a disruption of the obvious flow connection. D. Mitchell stated that accessing a detention basin through the grouping of naturalized stone ponds would not necessarily be a bad idea. M. Marcus noted that it was a presented option and stated that there was no way any commission he had been before would allow an access road directly adjacent to the stone ponds as originally planned. N. Ryder stated that there was very little difference to putting it along side or through the ponds. Either way there was impact either alongside the ponds or actually over the hydrologic connection between the ponds.

J. Hoffman asked if the applicant was asking for any waivers. M. Marcus stated not on this lot. There is nothing within the 50 foot buffer and nothing down the slope. The area being disturbed is flat and consists of 2nd growth hardwood. E. Goodwin asked what the elevation of the subdivision road was in relation to the house lot. J. Hoffman noted that the lot was at 740 feet and the road was at 750+ feet. E. Goodwin noted that there was quite a drop from the road elevation and noted that the elevations should be more clearly defined on the plan. N. Ryder asked if the slope above the home would stay vegetated. M. Marcus stated that during subdivision road construction it would likely be disturbed due to grading.

The SCC agreed that if this lot were permitted, erosion controls would have to stay in place until after the entire subdivision road is completed and all work is finished.

N. Ryder requested a strip of low growing dense vegetation along the top of the slope to the ponds be considered and added as a protective condition for the ponds below. The purpose is to prevent disruption at the crest of the hill and move any disturbance back allowing a buffer to filter any sediments or erosion.

D. Mitchell noted that the majority of the bank above the ponds is hemlock; he asked if any type of plantings had been considered for the bank, as the Agelid would likely have an impact. Since the hemlock dominates and is the primary stability factor for the slope, something should be planted there now to offset future loss of the trees. The SCC and M. Marcus discussed the long term bank stability and the impact of the loss of stability on the ponds. They discussed possible planting options between the hemlocks such as Mountain Laurel, which will not provide much erosion control but would flourish and provide root structure stability. The issue needs to be further addressed.

E. Goodwin stated that a site visit would be needed.

D. Mitchell asked if there were any questions relating to this specific lot. None. The commissioners will conduct a site visit to the lot prior to the meeting on 9/18. The house corners and driveway are to be staked. M. Marcus noted that he would call the office when the house corners were staked, the center line should already be. A revised plan showing changes addressing the concerns will be submitted for 9/18.

The hearing is continued to 9/18 at 9:50 PM

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

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

The public hearings were opened along with that for 96 Fairview Park Road. M. Marcus was present.

M. Marcus noted that W. Belec was not having much luck meeting with the Planning Board to discuss potentially revising the plan. He noted that since the SCC would not approve the original project presented, it only made sense to move forward on the proposed changes with the SCC, then present them to Planning after. M. Marcus noted that the SCC may approve or deny the current changes and modifications. D. Mitchell asked if they were now formally submitted or still potential changes. M. Marcus noted that they were directional concepts at this point, but would be submitted as formal changes.

D. Mitchell, E. Goodwin, and M. Marcus discussed possible courses of action that might occur if conservation required amendments and the plan then had to go back to the Planning Board for additional review and permitting. The issues were not related to the conservation commission environmental review and are therefore not included.

D. Mitchell stated that when the final plan came in for the next meeting, he would like the applicant to consider a third party peer review of the project and especially of the cumulative effects of this project and of the parts of the property that have already been developed. He noted that the site was very unique and difficult to review.

M. Marcus asked to have the pocket park idea addressed also. J. Hoffman asked if the applicant was contemplating something specific or was just giving the SCC a list of possibilities to choose from. M. Marcus stated that the machinery would be right there on site for the infrastructure development; it would not take much extra work to do some cleaning up in the ponds area. He noted that they may also want to ask W. Swiacki for a specific dollar amount equivalent to the cost of dredging and clearing and put the money to use for other restoration projects. The SCC discussed the pond cleanup idea. D. Mitchell felt that while it was nice, it was more the purview of the recreation department and should not be part of the review plan. N. Ryder saw it as part of the overall mitigation, the restoration and open space preservation aspect of the conservation review. J. Hoffman said his inclination is to keep the land as conservation land not recreation space, otherwise there will be a huge push to maximize public use of the land. He noted that considering the unique nature of the wetland system, this would likely result in long term damage to the resource area. N. Ryder agreed and noted that the recreational parks in town tended to get very heavy use. The pond area should only be intended as a walking trail with a picnic table or two to be used as a rest stop. The pond area should not necessarily be viewed as a destination.

M. Marcus stated that he would have 40 scale plans submitted by the 18th, at that time, the SCC can decide if they want the project sent out for 3rd party review or not.

J. Hoffman asked for confirmation that all the local regulations were being met. M. Marcus noted that the original filing was based on resolution of PB issues. The filing being presented now has all work pulled out of the 25 foot buffer. He noted that there were two areas where the road was within 25 feet of the wetland but they have pulled it out of that. J. Hoffman questioned and confirmed that there were still areas of structure (paved roadway) within the 50 foot buffer. M. Marcus said that was correct. J. Hoffman stated that the formal revised plan should include a request for waivers from the 25 foot no work and 50 foot no structure buffer wherever that applies. He noted that all areas within these buffers should be clearly outlined and identified so they can be more clearly reviewed. He also requested the square footage of each area be identified. M. Marcus noted that the wetland mitigation area was already at a 2:1 ratio. He noted that he would need to see a 40 scale plan to know for sure what the exact dimensions would be in the revised plan.

J. Hoffman asked for clarification on the 2:1 mitigation area and the creation of the new wetland resource area. M. Marcus noted that because the amount of fill area was reduced, they needed less replication. The current

proposal is for 2:1 mitigation plus some extra rehabilitation of existing wet area. The total mitigation will be approximately 10 thousand square feet total. M. Marcus outlined the existing wetland area, noting that trees had been cut a long time ago, but never regrew. The plan is to replant the trees and restore the wetland to its original conditions. M. Marcus noted that in some cases, it would not be reasonable or effective to mitigate an impact on the same site, especially in the case where a good forest area would need to be cut down to replace a wetland. In those cases the applicant can give an equivalent dollar amount to the commission. D. Mitchell asked if he was referring to the wetland banking program. M. Marcus noted that with the state regulations, replication on site was not an option, with the local regulations there was flexibility in how and where to replicate. Giving the equivalent dollar amount to the commissions wetland restoration fund to allow a better restoration or replication off site would be an option.

B. Friedman asked what the success rate for replication was in the area. M. Marcus said that replication areas are usually successful except for the invasives that seem to be present in almost all of them. D. Mitchell asked if phragmites was a big problem. The SCC discussed the issue. Both phragmites and purple loosestrife are problems in replication areas. They detract from the function of the wetland and harm wildlife use of the wetland. Many of these invasives are brought in through the use of haybales for erosion control.

J. Hoffman asked for a list of all waivers and issues relating to the regulations to be included in the final submittal. M. Marcus noted that he would give as definitive a plan as possible on the 18th.

J. Hoffman noted that he agreed with D. Mitchell that a third party consultant would be needed to assist the commission. He asked M. Marcus to bring in a list of three acceptable names from which the SCC would choose. M. Marcus stated that he was fine with that; the SCC could choose who they wished. D. Mitchell said the SCC would run the name by NEE and W. Swiacki for final approval or disapproval if the applicant wished.

D. Mitchell asked if there were any other major issues.

N. Ryder noted that pre and post groundwater quality; groundwater review and creation of a baseline had not yet been discussed. D. Mitchell and J. Hoffman discussed whether there was the same need for this project as there had been on past project. J. Hoffman noted that water quality review and monitoring was a constant requirement on all other subdivisions or projects immediately adjacent to large wetlands or water bodies and should be required here.

J. Hoffman made a motion to request 3rd party review. 2nd D. Mitchell, Disc. E. Goodwin asked if the SCC should look at the final submitted plans prior to making that decision. D. Mitchell noted that based on both unusual hydrology and wildlife issues, he did not feel qualified to make an assessment on the project without third party expert advice. The SCC asked who they would want to review the property. M. Marcus was asked if EcoTec would be acceptable. J. Hoffman asked if W. Swiacki refused to pay for a third party review, what options the SCC would take. The project could be closed and voted on based on current information. J. Hoffman noted that the homes were expensive, the cost of review was minor and had been a requirement for similar projects with the same potential for impact, including Allen Homestead and the Preserve. E. Goodwin asked M. Marcus if he was fine with this course of action. M. Marcus noted that he was surprised it took the SCC so long to get to this point. J. Hoffman asked if the SCC had funding to pay for a preliminary review by EcoTec if W. Swiacki declined to pay for a reviewer. Yes. D. Mitchell and J. Hoffman noted that the usual course of action was to have the third party give a quote which could then be accepted or refused by the applicant. J. Hoffman asked M. Marcus what a reasonable range would be. M. Marcus said that could be worked out with A. Allen. Vote – all in favor.

D. Mitchell summarized that the intent of voting now was to move the review of the revised plan forward. M. Marcus could submit the revised plan to EcoTec if they accepted prior to the next meeting to save review time.

E. Goodwin requested a minimum of one hour for the continuation to hear both the revised submittal but also to hear preliminary review by M. Marcus and EcoTec.

The public hearing is continued to September 19 at 9:50 PM.

PUBLIC MEETING – Laurel Buckley for Cedar Lake Association to address the runoff issues from the Mass Pike into the Northern End of Cedar Lake.

D. Mitchell opened the public hearing, present were L. Buckley and Pat Wondolowski of Cedar Lake Association.

L. Buckley noted that during every rainstorm, there was erosion off the Mass Turnpike into the northern end of Cedar Lake. Correspondence with the Mass Turnpike had been sporadically helpful. They said the runoff was from asphalt culverts, which they dug out maybe 10 to 11 years earlier. Currently there are piles of gravel at the base of these culverts. D. Mitchell asked where the gravel was from. L. Buckley said from the sides of the highway, everything just gets washed down. She noted that the Mass Pike buffer was fenced off so they can not go up the bank anymore. She noted that what the lake association was looking for was retention ponds on either side of the Mass Pike. She noted that she felt like the Mass Pike was doing the minimum and that the lake association and the erosion issues into the lake were being ignored. D. Mitchell asked if there were any visible plumes coming off the Mass Pike area. L. Buckley said, yes and submitted photographs of a large silt plume heading from the Mass Pike area into the lake. D. Mitchell noted that it could be approached as a documented water quality issue. P. Wondolowski noted that after every rain, there was a large visible plume coming right off the Mass Pike area. L. Buckley asked if it was possible that this was where the lakes nutrient problem was coming from. L. Buckley said they had people doing inventories of the inlets. She noted that the drainpipe from Westwood Drive had heavy sediments in it also. N. Ryder clarified that this was the stream running past the Drury residence. The SCC will take a site visit to the stream to observe the sediment levels.

L. Buckley asked the SCC to help take the lead with Mass Pike. D. Mitchell noted that the commission would be dealing with the use of BMP's by the Turnpike; they are not known as the best complier with state regulations. N. Ryder noted that they also now had to deal with phase II stormwater control issues. J. Hoffman noted that DEP had a lake water quality division and suggested the SCC work with them from the start. The DEP had a better chance of getting state agency compliance than a local commission would. N. Ryder stated that DEP would have leverage over Mass Pike that the local commission would not. The SCC voted to contact G. Scarletta at DEP to request help in addressing water quality issues with Mass Pike. E. Goodwin expressed concern that the tactic may aggravate the Mass Pike. D. Mitchell noted that he would prefer to work with DEP from the start on this, the response and action would likely be better.

The SCC, L. Buckley, and P. Wondolowski discussed the overall lake watershed and the possibility of finding grants to pay for a overall lake watershed survey.

PUBLIC MEETING – Big Alum Lake, Lake Road, Old Towne Way issues

D. Mitchell opened the public meeting. Present were many people for the Big Alum, Lake Road Meeting, and the Big Alum Paradise Beach hearing. As they all signed in on one page, the entire list will be included as attendees for both the meeting and the hearing. Lee Cappola, Peter Conly, Darrow Hanesian, Charles Rice, Virginia Roscioli, Jeffrey McLane, James Field Sr. John Argitis, Ken Gajewski, Dan and Nancy Molta, Kathleen Lamarine, Jim Gresenz, Tom Hanson, D. Alden Johnson, Patricia Johnson, Mathew Kibbe, Beverly Litchfield, Peter Litchfield, Bruce Gran, Edward Cloutier, Janis Metoxen, Richard Predella, Brock Colwell, Charles

Colwell, Darin Bellerose, Molly Giordano, Janet Garon, Robert Quattrocelli, Scott Sanderson, Don Alerie, Tom Liro, Armand Boulanger, Robert Garon, Judith Stevens, David Stevens, Jim or Ann M???, George Hitchcock, Michael Lemanski, Larry Lynch and MaryAnne Lynch.

D. Mitchell noted that since the last meeting DPW had done work on the road and work had been done around the catch basins. He noted that there had not been enough time to see if there were positive results yet.

B. Gran stated that there was no cloudiness in the water at the current time. He noted that the recent work done by DPW had resulted in a driveway with a much steeper pitch. The road now was almost 2 feet higher than it used to be and is much steeper getting out of the driveway. D. Mitchell noted that he understood from earlier meetings that the water was redirected to where the water had originally gone. He asked if that was correct or if the water had ponded on the back side of Lake Road. The Litchfields said it used to pond at the bottom of the road in front of Lapierras before crossing the roadway, but that wetland was filled in several years earlier. They noted that when the Lapierras home was built, a cut was added in the road and directed into the trees. The discharge is several feet from the well. E. Goodwin asked what the well depth was. Shallow. D. Mitchell asked if they had their water tested in the past or recently. The Litchfields said they had not but would. D. Mitchell summarized that the road had been improved and appeared to be working but had not been tested by a good storm. Correct. He noted that they were now saying the due to the regrading, they were now having a hard time getting out of their yard.

N. Ryder noted that in speaking with G. Morse, she understood that the center line for the road was at the same grade as it had been. The side nearer the lake had been raised and the side away from the lake lowered slightly to redirect the water from running onto Litchfield property and to direct it to the base of the road and then through the culvert as it had been. She noted that according to DPW a culvert had existed for a long time at the curve/base of the road. The culvert was blocked from sediments etc, so some years back, a small drainage swale filled with stone was placed in the bend of the road above the culvert pipe. The end of the swale was above and before the discharge pipe location where water historically discharged when it came through the culvert under the road.

P. Litchfield noted that the water was now being piped over the shallow well for the single family home. He was concerned about the drinking water. N. Ryder noted that as she understood it, the culvert under the road was preexisting. The water was being directed to the wooded area where the DPW and abutters had stated that it had always used to go. She noted that she would speak with G. Morse regarding the original discharge point for the culvert. She noted that the goal she relayed to DPW was to restore the original path of the water and to correct the channelization across the road, caused by washouts. As she understood it, this had been accomplished.

J. Metoxen noted that she lived across from Old Towne Way, she stated that when there are heavy rainstorms, the water does not get caught in the catch basins, the water crosses the road and leaves deep gullies in the driveway from runoff. She noted that the correction made by the subdivision resulted in a larger problem than she had before.

D. Mitchell asked N. Ryder to see if the water treatment plant could test for turbidity and TSS. He noted that additional samples would need to be taken during storm conditions to evaluate the current effectiveness of the road changes.

The meeting continuation will be held on November 13, to give the SCC time to retest the water and get results and to contact DPW for a review of the effectiveness of the work done and an analysis of the original drainage patterns.

PUBLIC HEARING - NOI cont.– Paradise Beach Association for tree removal and construction of a patio and landscaping adjacent to Big Alum Lake, at 104 Paradise Lane.

D. Mitchell opened the public meeting. Present were many people for the Big Alum, Lake Road Meeting, and the Big Alum Paradise Beach hearing. As they all signed in on one page, the entire list will be included as attendees for both the meeting and the hearing. Lee Cappola, Peter Conly, Darrow Hanesian, Charles Rice, Virginia Roscioli, Jeffrey McLane, James Field Sr. John Argitis, Ken Gajewski, Dan and Nancy Molta, Kathleen Lamarine, Jim Gresenz, Tom Hanson, D. Alden Johnson, Patricia Johnson, Mathew Kibbe, Beverly Litchfield, Peter Litchfield, Bruce Gran, Edward Cloutier, Janis Metoxen, Richard Predella, Brock Colwell, Charles Colwell, Darin Bellerose, Molly Giordano, Janet Garon, Robert Quattrocelli, Scott Sanderson, Don Alerie, Tom Liro, Armand Boulanger, Robert Garon, Judith Stevens, David Stevens, Jim or Ann M???, George Hitchcock, Michael Lemanski, Larry Lynch and MaryAnne Lynch.

D. Mitchell summarized the discussion held on August 21st regarding the site. He confirmed that abutters had now been properly notified.

A letter from B. Hitchcock to A. Wilson dated August 26, 2003 relating to the list of objections covered at the 8/21 public hearing for 104 Paradise Lane was submitted into the file. (see file for detail).

P. Conly noted that based on the pre-hearing meeting, the association had made some changes to the proposal. He outlined the proposed changes as shown on the plan presented. He noted that there would be 2 phases to the project. The SCC noted that if the entire project was being finished within 3 years, phasing would not be necessary.

P. Conly noted that based on the recent concom site visit, the association was proposing to remove only 2 trees, 1 was dead, the other was a 5 inch pine near the water. He noted that based on the 25 foot no touch buffer, they had tried to come up with a plan that used the preexisting use area. An addition to the sandbox area is proposed using porous pavers and moving any additional area behind the disturbed area and toward the shed. All increase in use dimensions are outside the 25 foot buffer. Two additional evergreens will be planted along the Hitchcock property, pachysandra will be planted on the side of the lot near the Hitchcock property also. He noted that they would like to grind the stump and plant pachysandra over the top.

The dock will be fastened to anchors located on the current stairway site. A permit has been applied for with BoS. Bark mulch will be placed along the edge of the bank to prevent erosion. All work will be done by hand to minimize any impacts to the lake. The grape vine on the tree will be removed to prevent impacts to the tree and Mountain Laurel.

A canoe rack is proposed to be built near the existing shed. The rack will be an A-frame and will be used to hold canoes and kayaks. A small retaining wall will be built where the dead birch is removed next to the shed. Patio blocks to a ramp over the water will eliminate the need for egress down the bank to the lake. A small dock primarily for access for swimming is proposed.

D. Mitchell noted the use of wood chips for long term erosion control and asked if that was proposed as the short term method also. Yes. N. Ryder noted that the commission had approved the use on a steep slope at 114 Lane 10, the erosion control had been successful. D. Mitchell reviewed the extent of the coverage. P. Conly noted that they would be 4 inches deep, Pachysandra would be planted right through them.

D. Mitchell asked if the SCC had any comments or questions.

J. Hoffman asked where they were planning on excavating. P. Conly noted that most of the project would be on existing grade. Some leveling by hand would be needed near the shed. The sand box would be used as an existing base for the porous pavers. D. Mitchell asked what would be used between the pavers. P. Conly said low growing Scottish grass. J. Hoffman stated that he wanted to see haybales around the work area in addition to the mulch. D. Mitchell agreed that they needed to be in place for the construction phase at least.

E. Goodwin asked how the pins for the dock will be attached. P. Conly said by installing a sonatube 3 feet below the frost line. The location was clarified as being to the left of the stairs and to the right of the 5 inch pine. E. Goodwin noted that would be extremely difficult to do. R. Para noted that they would likely hit rock. J. Hoffman asked if they had considered driving in eye bolts. D. Mitchell asked if there was a lot of ledge. R. Para said not much ledge but a lot of rock. P. Conly said a metal anchor bolt would be fine with him. J. Hoffman noted that there was no need to go bigger than they had to.

P. Conly noted that for the second part of the project they proposed a small bathroom/changing room off the stairs at the top of the slope and below the current parking area. This would alleviate neighbor concerns and would utilize the town sewer connection they had to pay for anyhow. J. Hoffman asked if there was pipe in place. Yes, they were put in as part of the town sewer project.

D. Mitchell noted that the intentions being shown were a good improvement but the plan lacked enough details to be approvable. Specific depths, dimensions, and construction details needed to be added to the plan. The applicants clarified and discussed this with the SCC. Revised plans will be submitted showing the details discussed.

D. Mitchell asked if there were any comments or questions from the abutters. He noted that this was a conservation review, information relevant to protection of the wetland and related issues should be brought forward. Issues relating to traffic and supervision of children were not appropriate.

J. Field read a letter to the commission and noted that he had concerns regarding, runoff due to the high pitch, what measures would be used to control stormwater runoff and to maintain the high quality of water, making sure there would be no harm to the lake, the impact to the lake due to the increase in runoff flow, what controls would be used to prevent additional runoff flow. He suggested that the SCC require a stone lined catch basin with a sump and culverts at the outlet to control flow to the lake. He noted that the hill had a huge slope and something needed to be done to take the large amount of additional runoff. D. Mitchell thanked him for his comments and noted that there would not be an increase in stormwater or surface flow on the property. He noted that protecting the lake from erosion was a commission concern also.

M. Lemansky asked who belonged to the Paradise Beach Association. He questioned the size of the parking area, who would use it and if that would be addressed. P. Conly noted that all the families using the land were within walking distance. The only cars there were the ones used to conduct yard work occasionally. M. Lemansky asked if the SCC had any concerns with no facilities on site. D. Mitchell noted that there had been no facilities. There was no impact in terms of change in use there was no proposed change to existing use patterns. The proposal was to make the lot more amenable to the current use. M. Lemansky asked if the dock was under the purview of the SCC. D. Mitchell said the method of anchoring it to the land would be. M. Lemansky noted that the lot had a greater than 8% slope. He noted that in previous decisions the commission had required the beginning of the 25 foot no disturb slope to be at the top of the edge of bank. N. Ryder clarified that in that case the toe of slope was at the edge of the water. The land being discussed currently had a 25 foot buffer below the beginning of the slope. That area was already disturbed. She noted that the association was not proposing any new disturbance within that 25 foot no disturb buffer. J. Hoffman noted to the audience that outside of the 25 foot no disturb buffer and the 50 foot no new structure buffer, which had

lake front exemptions, the regulation was for prior review and approval on a case by case basis. It was not a prohibition regulation.

T. Liro read the 25 foot no disturb regulation and noted that he hoped the SCC had clear evidence that there would be no harm done to the lake during installation of the anchor for the dock or during dock removal. D. Mitchell noted that the dock anchor was in an area of existing disturbance, not on undisturbed area. In addition the proposed planting and limited use of the bank were considered decreases in impact. N. Ryder noted that the determination as to whether the resulting conditions to the lake were better would be based on the overall picture. The association was proposing additional plantings which would result in more vegetative cover for the lot than currently exists. This vegetation would also be in areas close to the lake providing maximum benefit. D. Mitchell noted that the plan presented pulled as much use as possible from the 25 foot buffer and moved all additional use areas away from the lake from current use areas. T. Liro asked how concrete posts decreased impact. D. Mitchell noted that had been discussed, the current connection would be using steel pegs.

P. Lamarine requested information on the size and use of the dock. He noted that he understood this was not the board that permitted that. P. Conly outlined the proposal. D. Mitchell noted that a conservation permit noted that all other applicable permits must be obtained.

J. Mowbray noted that the commission should be more concerned with the dock and that the plan was not specific in detail or engineered. This information should be required prior to approval. He noted that he was concerned about runoff, the stairs being a conduit to the lake, he questioned when the original shed was approved. D. Mitchell noted that size and style of docks is a BoS issue, the commission had inspected the site for evidence of erosion and runoff and had not seen any evidence or deltas of sediment in or near the lake during the inspection. There were some changes proposed but no change or increase in impervious. The SCC had already reviewed the lack of detail and had asked for a revised plan.

D. Mitchell asked if there were any comments or questions relating to environmental issues only which had not already been covered. No. He thanked the abutters for their concerns, input, and comments.

He reviewed with the applicants that details as to the anchor, the size depth and location of the retaining wall, the exact size of the porous pavers area, the location and type of erosion control and the specifics of the porous pavers material would be needed.

The hearing is continued to September 18th at 8:50 PM.

PUBLIC HEARING - NoI – Guerriere and Halnon for Allen Homestead for construction of a single family home and related at lot 29, #40 Tannery Road.

PUBLIC HEARING - NoI – Guerriere and Halnon for Allen Homestead for construction of a single family home and related at lot 30, #38 Tannery Road.

D. Mitchell opened both public hearings, present was E. Mainini.

E. Mainini outlined the proposed projects, buffer zones, roof drains, discharges, etc. The retaining wall will be the limit of any further work, no breaks in the retaining wall will be allowed. The commission reviewed the details of the project locations. The lots were approved by unanimous vote.

PUBLIC HEARING - Review of regulations for discussion, revision, or amendment.
Tabled.

PUBLIC HEARING - New Forestry Application Review

An application from G. King for High Street and for Gerrish Forest Management were tabled pending D. Barnicles review.

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

The commissioners asked N. Ryder to check with B. Dunn at DEP to see if he received the test results from the contaminated soils removed from 51 Holland Road.

A letter permit for S. Sanderson for 74 Paradise Lane was reviewed. An amendment needs to be filed.

A letter permit for ongoing work at 72 S. Shore Drive was reviewed and approved.

A letter permit for minor site work at 56 Goodrich Road was reviewed and approved.

A letter permit for sidewalk installation at 46 South Shore Drive was reviewed and approved.

Motion to adjourn at 11:40 approved by unanimous vote.