

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, September 18, 2003

MEMBERS PRESENT

D. Barnicle, J. Hoffman, D. Mitchell

6:45 PM

PUBLIC MEETING Discussion regarding foresting program and tree program grants and possibilities, with G. King and T. Chamberland, D. Barnicle

D. Barnicle opened the discussion, present was T. Chamberland

Topics discussed –

- o Tree planting program in the spring as part of Arbor Day/Earth Day/Community appreciation Days to promote reduction in lawn and increase native vegetation.

Issues Concerns –

- o How to market to draw the attention of homeowners
- o Preventing land developers from clear cutting construction sites
- o Promoting native tree species (ex: the Norway Maple planted in Boston, is now considered invasive)
- o What presentation format will be most productive

Proposed Actions –

- o Power point presentation in spring open to public
- o Create power point slides to put on SCC web page
- o Field trip to local “success story” site in spring
- o Rolling video tape on town cable channel
- o Article published in Southbridge News
- o Coordination with Community Appreciation Days Program
- o Voluntary or mandatory? 25’ to 50’ buffer around all streets, property boundaries and resource areas

Definitive Actions –

- o Canvas neighborhoods, take photos for slides of good use areas
- o Brain storming session with commission at November meeting
- o T. Chamberland will forward the webpage address for the program on possible foresting grants for private homeowners.

MINOR WALK IN REQUESTS

None

CPA UPDATE

Tabled

MINUTES REVIEW

Tabled

CORRESPONDENCE REVIEW

Correspondence reviewed and discussed included; MACC agent guidelines, GVI Forest Stewardship information, sessions to be held in October and December, Environmental reports from J. Schmidt for Allen Homestead, Environmental reports from A. Allen for the Preserve, A request letter to EcoTec for peer review of Whittemore Woods, Emergency Response details regarding a transformer oil release at 175 Cedar Street – there appears to be no contamination to resource areas and all oil has been removed,

An informal review plan from Berkshire Design regarding a storage shed behind the student parking lot was also reviewed. N. Ryder noted that the applicant had been informed on several occasions that several options were available; the shed could be moved outside the 200 foot buffer, or a formal letter requesting an amendment to the approved plan could be submitted if the shed was outside 100 feet but within 200 feet of resource areas, or a NoI amendment could be filed for installation within 100 feet of resource areas. N. Ryder noted that she had informed the applicant that the shed could not be located within 200 feet of the perennial stream, as maximum riverfront disturbance had already been exceeded.

DISCUSSION OF NEW INFORMATION

See correspondence

REVIEW OF SITE VISITS

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

Lots 1, 2, 3, and 4 of The Trail –

D. Barnicle opened the hearing, present were J. Teachout and L. Eliason.

Submitted information-

- o No new information

Topics Discussed-

- o Site is not staked yet, E. Paquette will stake next Wednesday

Proposed Actions-

- o Stake haybale line, center line of drives, house corners, wells based on plan submitted 9/4 by J. Teachout
- o E. Paquette will be present on site visit

Abutter Comments-

- o L. Eliason asked if the SCC had considered the vernal pool behind lot 1

SCC Response-

- o VP is shown on 9/4 plan submitted, will be checked on the site visit

Site Visit-

- o To be scheduled when office is notified that site is ready

Continued To-

- o October 2, 7:50 PM

26 Tantasqua Shore Drive –

- o D. Barnicle opened the public hearing, present was M. Farrell. M. Farrell submitted a plan showing revisions requiring that all disturbances be moved at least 50 feet from the high water mark for the lake. The distance to the lake on the previous plan had been 25 feet. The system will shift away from the lake and down the side slope slightly. The SCC reviewed the project plan as amended and approved issuing an Order of Conditions to permit the project as amended by unanimous vote. Permit to be signed on October 2.

Falls Road Dam at Walker Pond

- o D. Barnicle opened the hearing, present was J. Teachout.
- o There is no DEP # submitted, continued to October 2 at 7:20 PM.

40 Tannery Road – lot 29, 38 Tannery Road - lot 30-

- o D. Barnicle opened the hearing; no applicants or representatives were present. The SCC reviewed the project as submitted and amended and issued an Order of Conditions for each lot to permit the projects as amended and conditioned. By unanimous vote.

10 Curboy Road

- o D. Barnicle opened the hearing; no applicants or representatives were present. The SCC reviewed the project as submitted and amended and issued an Order of Condition to permit the project as amended and conditioned. By unanimous vote.

PUBLIC HEARING –NoI cont. - J. Teachout of Jalbert Engineering for P. Matthews for changes to an existing developed commercial site at 10 Gifford Road.

D. Barnicle opened the public hearing, present were J. Teachout, P. Matthews, L. Jalbert, A. Szumilas, C. Sylvestri, C. Reeve.

Submitted information-

- o No new information.

Topics Discussed –

- o New quorum requirements.
- o Validity of previous stream reclassification.

Discussion –

- o J. Teachout noted that because the actual expiration day fell on a weekend and the Monday following was a holiday, the submittal, even though late, was legal and the stream reclassification was valid.
- o N. Ryder reviewed the calendar dates and agreed that due to the holiday following a weekend, the filing was valid. J. Teachout noted that the reclassification was important to the proposal for the property.
- o N. Ryder noted that although the stream reclassification was legally binding due to a timing technicality, the commission still had the responsibility to make sure there were no significant adverse impacts to the wetland or any other resource areas. She read from the original reclassification and pointed out that there were two streams on the property, the reclassification

referred to only one of them. She noted that the original delineation for the stream did not apply to the second stream or the associated BVW or other resource areas.

- o She stated that the commission's long standing request for a current delineation of all wetlands was still necessary and must be submitted and confirmed prior to any other project review.
- o N. Ryder noted that while the applicant had managed to manipulate the system in regards to the stream, the regulations gave the commission several other tools with which to protect the wetlands covering the site. She stated that the same regulations being quoted by the applicant also gave the commission the right to impose up to a 200-foot no-disturb buffer on a case-by-case basis when needed to protect resource areas.
- o J. Teachout stated that since the reclassification was valid for 10 Gifford, it should be extended to 165 Charlton Street as an abutting property.
- o N. Ryder noted that the projects were 2 separate filings, 165 Charlton missed the deadline by several months, she noted that the applicant would need to submit new evidence supporting intermittency.
- o The commission agreed that while the stream for 10 Gifford had to be considered intermittent due to legal timing, the stream in reality showed many signs of perenniality.
- o The reclassification will not be extended to 165 Charlton Street; proof on intermittency will have to be submitted.
- o D. Barnicle noted that issue would need to be discussed during the next public hearing for the property if J. Teachout wished; this hearing is for 10 Gifford.
- o P. Matthews questioned how a stream classified as intermittent on one property could be perennial on the next. N. Ryder noted that because 10 Gifford had a legally binding decision, by one day, based on a technicality that did not make the stream intermittent in fact. She pointed out on the topographic map several areas where streams changed from perennial to intermittent. J. Hoffman and D. Barnicle agreed and discussed the stream on Hall Road. A stream can vary from perennial to intermittent along its length.

Other Issues Concerns –

- o J. Hoffman questioned why, with 3.1 acres of land, the applicant wanted to put a new structure over a wetland/stream.
- o D. Barnicle noted that wetlands change over time; this one had definitely done so.

Applicant Responses-

- o J. Teachout will submit a delineation plan before the site visit.

Abutter Concerns –

- o None

SCC responses –

- o D. Barnicle noted that the Commission had been waiting for a current formal delineation plan for over 6 months. He noted that it was the applicant, not the commission holding up this project review.

Proposed Actions-

- o Site visit to be conducted after a formal current delineation has been submitted.

Information to be Submitted-

- o Current delineation

Site Visit-

- o September 28 @ 9:00 AM.

Continuation-

- o To October 16 @ 7:30 PM.

PUBLIC HEARING – NoI cont. - J. Teachout of Jalbert Engineering for Babineau for development of a carwash at 165 Charlton Road.

D. Barnicle opened the public hearing, present was J. Teachout.

Submitted information-

- o Letter request for a continuation.

Topics Discussed –

- o None.

Definitive Actions-

- o Request for Continuation Granted.

Information to be Submitted-

- o Current Delineation.

Site Visit-

- o Pending submittal of a current plan showing delineation of all resource areas.

Continuation-

- o October 16 at 7:50 PM.

PUBLIC MEETING – SCC meeting regarding 51 Holland Road, review of delineation, lab data etc.

D. Barnicle opened the public hearing. The applicant and representatives did not attend

Submitted information-

- o No new information.

Topics Discussed-

- o Lack of submitted information required in the Order of Conditions 300-533 for the property.
- o Issuance of an enforcement order for lack of compliance with stated conditions.

Issues Concerns –

- o Action needs to be taken on the property to remove and stabilize disturbed and contaminated areas.

Proposed Actions-

- o Issuing an enforcement order.

Definitive Actions-

- o Motion - by J. Hoffman to issue an enforcement order against the current owner of 51 Holland Road for non-compliance with Order of Conditions for DEP 300-533 as stated should information not be received on or before October 2, 2003.
- o 2nd - D. Mitchell
- o Vote- All in Favor
- o Draft a EO for October 2.
- o Pull outstanding conditions and list.
- o Include notification in the draft that this is considered a warning, fining will follow if necessary information is not submitted on or before October 16.
- o Email the draft to all SCC members for review and comment prior to the 10/2 meeting.

PUBLIC MEETING – Jim Malloy to discuss issues relating to Conservation Commission hours and work schedule.

D. Barnicle opened the public meeting, present was J. Malloy

Topics Discussed-

- o SCC current work schedule
- o Excessive time commitment required of Commissioners
- o Decreasing the resource area buffer to eliminate some of the permitting needs, RDA's

Issues Concerns –

- o The staff is already overworked, just as much as the commissioners are
- o Difficulty in finding volunteers who are willing to commit to the time and effort needed
- o Relieve some of this by transferring some of the commissioners minor tasks to the clerk/agent

SCC Responses-

- o Most of the commissions minor permitting tasks are being handled by the clerk/agent.
- o The permitting for the 100-200 foot buffer is a minor part of the commission's workload and has remained essentially unchanged since 1996.

Discussion-

- o The SCC and J. Malloy discussed site walks, the commission cannot eliminate these, as they are key to understanding the issues on site and drafting an Order of Conditions, which addresses each properties unique issues.
- o They discussed minutes, decreasing the level of information. The SCC was opposed to this as minutes were frequently referenced. Permitting in relation to environmental concerns was cumulative for properties; past records are essential and referenced frequently.
- o J. Malloy outlined the inter-board communication efforts and the Planning and Development team meetings.
- o J. Hoffman noted that the increase in workload is primarily due to subdivisions and to the increasing use of marginal land.
- o D. Mitchell noted the increased use of sewers allows homes and construction on previously undevelopable lands, he added that as more subdivisions are allowed to hook into town services, more marginal land will be developed at a increasingly rapid rate.
- o The SCC and J. Malloy discussed allowing connections to sewer service while requiring private wells and the impact this has on groundwater recharge. J. Malloy noted that the town cannot allow additional water connections at this time. A new water tower would be needed to service the more remote sections of town.

- o Comprehensive joint public hearings with multi board attendance was discussed.

Proposed Actions-

- o D. Barnicle and N. Ryder will meet with J. Malloy to discuss redefining the agents job duties to be able to handle the work load more efficiently.
- o May need to increase staff hours in the future.

Definitive Actions-

- o N. Ryder is to track how time is spent.
- o The Planning and Development team will continue to discuss joint public hearings and working out timing issues.

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. Barnicle opened the public hearing, present were R. Para, L. Cappola, P. Connly, D. Alarie, J. Metoxen, S. Sanderson, D. Bellerose and T. Liro.

Submitted information-

- o Revised plan dated 9/17/03.

Topics Discussed-

- o Three sided bath house/structure to accommodate a bathroom and changing room to be connected to Big Alum sewer line, to be supported on sonatubes and by partial foundation to allow for crawl space for maintenance.
- o Permit is valid for 3 years, phasing is not needed.
- o Trees requested to be removed based on tree expert determination that they are diseased, trees include a 6 inch and 12 inch Oak, and various Hemlocks 50 to 75 feet from the lake as shown on the revised plan.
- o Haybale erosion control line was outlined and reviewed.
- o Retaining wall is to be reconstructed using prefabricated stones of the versalock/unilock type.
- o The dock anchor attachments were discussed.
- o The stairs to the lake need to be replaced.
- o A 16 x 20 floating dock is proposed.

Issues Concerns –

- o D. Mitchell confirmed that the sewer lateral and pump were already installed by Tighe and Bond.
- o Stumping of trees will likely cause erosion.
- o D. Barnicle noted that excavation for retaining wall details were needed.
- o J. Hoffman noted that the retaining wall was behind the existing patio area near the shed, not down by the lake.
- o Patio will utilize permeable pavers with grass planted between
- o Erosion control was outlined.
- o The lake association requested replacing the existing stairs at a slightly different angle to avoid cutting the pine tree and disturbing the roots of the birch tree, disturbance should be minimized; all work should be done by hand.
- o J. Hoffman noted that the anchor point for the dock did not need to be excavated into the bank, disturbance should be minimized, the final agreement was to use eyebolts connected directly to the stairs.

- o D. Barnicle asked what will hold the dock in place in the water.
- o D. Mitchell asked how the bathhouse foundation would be installed.

Applicant Responses-

- o R. Para noted that minor hand digging to install a gravel base would be needed for the retaining wall, which will also function as a bench/sitting area.
- o All work in the area near the lake will be conducted using hand tools.
- o The bathhouse will use a small bobcat for excavation, it is 75 feet from the lake, the access is flat and directly below the parking area.

Abutter Concerns –

- o P. Lamarine asked what trees would be cut on the water line.
- o P. Lamarine asked to review the dock plan to be submitted to the BoS.
- o D. Belrose asked if a portapotty would be used for the lake association members if no bathhouse was built.
- o P. Lamarine Expressed concern that the members would use the woods or the water to relieve themselves rather than walking across the street to their homes.
- o T. Liro asked if the stairs by the bathhouse were to be adjusted.
- o The Direct Abutter asked if the number of boats planned would impact the quality of the water in the area, they noted that there were a maximum number of boats allowed per dock.
- o P. Lamarine asked if there would be no motorboats accessing the dock.
- o D. Belrose asked if the dock was for swimming then why did it need to be anchored.

SCC Responses-

- o Lake front trees to be cut include the small pine on the lake, the grapevines choking the trees on the bank and the birch near the existing shed.
- o D. Mitchell noted that there was no facility present now, many beach associations did not have one, the members would go back to their own homes across the street.
- o N. Ryder suggested the lake residents who were concerned invest in an underwater camera to spy on the swimmers in order to make certain there were no violators in the water or behind the trees. If they documented any violations, the commission would surely prosecute the violators for water quality contamination.
- o D. Barnicle noted that the area near the bathhouse would be leveled and a railing installed for part of the stairs.
- o N. Ryder noted that most of the docks on the lake were not legally permitted and exceeded the number of boats allowed. She stated that all temporary docks need yearly permits from the harbormaster as mandated by state law. D. Barnicle noted that the applicant had indicated that the dock was primarily for swimming.
- o The applicant has the same right as everyone else on the lake to use motorboats and to have a dock to access the lot from the boat.
- o D. Barnicle noted that the lake association did not have a beach on the property, they were not proposing to install one, the applicant was proposing a manner in which to access the lake while minimizing direct impact and erosion to the bank, he noted that this was a good thing in terms of protecting water quality and bank stability.

Definitive Actions-

- o Motion to Close-J. Hoffman 2nd- D. Mitchell Vote-All in favor
- o Motion-to accept the project as amended and issue an Order of Conditions with special conditions as noted in the public hearing discussion.

- o 2nd-D. Mitchell
- o Vote-All in favor
- o Draft an OoC for the project for review and discussion regarding special conditions to be imposed to protect the lake.

Special Conditions-

- o D. Barnicle trees are to be cut but not stumped.
- o Patio is to utilize porous pavers.
- o Plan is to be as according to the amended plan.
- o 2:1 planting mitigation is required to offset all disturbance within the 50-foot buffer.
- o No heavy equipment is to be used near the lake.

PUBLIC HEARING - NoI amendment – S. Sanderson for deck addition at 74 Paradise Lane.

D. Barnicle opened the public hearing, present was S. Sanderson

Submitted information-

- o A revised plan and letter requesting a variance to allow a porch within the 25-foot buffer.

Topics Discussed-

- o Amending the existing Order of Conditions to allow a porch.

Issues Concerns –

- o D. Mitchell noted substantial review and discussion had already taken place on this property, details regarding mitigation planting is needed.
- o J. Hoffman did not feel violation of the 25-foot no-disturb buffer should be allowed.
- o D. Barnicle agreed.

Applicant Responses-

- o S. Sanderson noted that there was no other means of egress from the 2nd floor.

SCC Responses-

- o No egress is a self-imposed hardship.
- o No intrusion into the 25-foot buffer will be allowed.
- o For additional structure in the 50-foot buffer, 2:1 vegetation planting mitigation is required.

Definitive Actions-

- o Motion to accept the project as amended, Vote- All in favor.

Information to be Submitted-

- o Submit a proposal, which stays out of the 25-foot buffer and includes 2:1 mitigation for structure in the 50-foot buffer.

Special Conditions-

- o The porch will be allowed outside the 25-foot buffer.
- o No disturbance of the 25-foot buffer is allowed.
- o For additional structure within the 50-foot buffer, 2:1 planting mitigation is required.
- o A walkway will be allowed in front of the stairway but must be constructed using pervious material.

PUBLIC HEARING - NoI cont. – Green Hill Engineering for Marin Realty for Driveway and single family home construction at 97 McGilpin Road (pka lot 1 of 143 McGilpin Road)

D. Barnicle opened the public hearing, present was M. Farrell.

Submitted information-

- o Revised site plan dated 9-18-03.

Topics Discussed-

- o M. Farrell outlined the plan noting that the work was pulled back as far as possible.
- o The potential vernal pool.
- o The McGilpin Road culvert.
- o All disturbance outside 25 feet.
- o All structure outside 50 feet.

Issues Concerns –

- o The current delineation needs additional flags; the wetland extends out between some of the existing flags even though those are correctly placed.
- o The driveway on the original plan was shown 8 feet from the closest edge of wetland as determined by the commission on a site visit.

Applicant Responses-

- o Current plan shows closest work point to wetland at 29 feet.
- o The haybale line, limit of clearing is at 27 feet.
- o The limit of clearing will essentially be at 28 feet.

SCC Responses-

- o J. Hoffman noted that was what the SCC had requested.
- o He noted that there could still be no structure within 50 feet.

Definitive Actions-

- o Motion- by D. Mitchell to accept the plan as amended and discussed with erosion control at 27 feet minimum from wetlands.
- o 2nd-D. Barnicle
- o Vote-All in favor.
- o Motion to Close-all in favor
- o SCC is to be called to confirm the erosion control line prior to the start of any work.
- o The Vernal Pool has a clearly defined outlet, if maintained, as it was this year, the area could not likely hold enough water to support vernal pool life. The 100-foot buffer will be waived only for a driveway for a single-family home.

Special Conditions-

- o As noted in the OoC DEP 300-555.

Site Visit-

- o To be scheduled when erosion control is in place.

Continuation-

- o Continued to October 2, 2003 @7:20 for permit signing.

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

D. Barnicle opened the public hearing, present were M. Marcus, W. Belec, W. Swiacki and A. Allen.

Submitted information-

- o No new information.

Topics Discussed-

- o M. Marcus noted that the site had been staked; the hearing status is pending a site review.

Issues Concerns –

- o N. Ryder noted that in E. Goodwin's absence she would remind the applicant that any self-imposed hardship caused by subdividing this lot out of the larger property would not be grounds to allow further wetland or resource area impacts.
- o The SCC noted to A. Allen that all ANR lots carved out of the property needed to be looked at in terms of overall impact.

SCC responses-

- o D. Barnicle noted he and J. Hoffman had walked the site; no problem with relation to wetlands but the slope was extreme.

Applicant Responses-

- o M. Marcus noted that the slope would be part of a conservation easement.
- o The flat area directly above the slope would be planted to prevent erosion over the edge of slope.
- o The edge of work to wetland buffer is 55 feet.

Abutter Concerns –

- o None

SCC Responses-

- o D. Barnicle clarified the limits of clearing; all trees along the perimeter are to remain.

Definitive Actions-

- o Motion to Close- J. Hoffman 2nd-D. Mitchell Vote-All in favor
- o Motion-by J. Hoffman to accept the project on 96 Fairview Park Road as amended and to issue an Order of Conditions.
- o 2nd-D. Mitchell
- o Vote-All in favor
- o Draft an OoC for October 2, at 7:20 PM

Special Conditions-

- o No disturbance from edge of bank to stone ponds.
- o A minimum 5 foot planted vegetated buffer to control erosion is to be planted above the edge of slope.

- o The large oak trees shown on the plan are not to be harmed or disturbed.
- o The conservation easement must become part of the property deed and must be submitted to Town Counsel and SCC for approval.

Information to be Submitted-

- o Conservation Easement.
- o Planting plan for edge of bank for long-term erosion protection.

Continuation-

- o To October 2, to review, amend if necessary and sign the draft permit.

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

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

D. Barnicle opened the public hearing, present were M. Marcus, W. Belec, W. Swiacki and A. Allen.

Topics Discussed-

- o The overall project and process to date was discussed between M. Marcus and A. Allen.
- o The delineation had been approved prior to the submittal.
- o M. Marcus requested that the review for the 2 NoI's submitted for infrastructure and home lots continue to be rolled into one to resolve the concern regarding overall impact review. One OoC can be issued listing both file numbers on the OoC.
- o BVW's, isolated wetlands, scours, channels, etc, WPA buffer and ToS buffers were outlined.
- o The historic ponds need to be evaluated for possible rehabilitation and evaluated for potential habitat or public use.

Issues Concerns –

- o A. Allen asked if habitat had been reviewed yet.
- o A. Allen reviewed the various scour channels in detail with the applicants and SCC. He questioned if they were continuous.
- o D. Barnicle asked that the isolated wetland be evaluated for survivability.
- o D. Mitchell asked that the cumulative effects be evaluated.

SCC responses –

- o N. Ryder noted that at this point the discussion for habitat and water quality issues had not been addressed.
- o D. Mitchell noted that evaluating the cumulative effects were beyond the SCC's level of expertise, he noted the impact to the scour channels and the overall hydrology connections and impacts as a key example.
- o D. Mitchell noted that wildlife usage and passage had not been addressed, the unique nature of this wetland and the presumed areas of significance warrant an evaluation of the impacts.
- o D. Mitchell noted that the series of channels revert to subsurface flow but break out on occasion.
- o D. Barnicle noted that they are called scours but there appear to be spontaneous eruptions of water.

Applicant Responses-

- o M. Marcus noted that the discussed items were all recurring themes and noted that they had also had ongoing discussion regarding a bridge over the wetland as an alternative.

Abutter Concerns –

- o None

Proposed Actions-

- o D. Mitchell noted to A. Allen if critical or key areas came up, an additional site visit with the commission would be warranted.

*Submitted information- Revised Plans

- o After the review discussion noted above, M. Marcus submitted a set of 100 scale, revised plans with “view ports”, dated 7/24 and 8/6, for SCC review. W. Belec noted that 40 scale plans would be submitted which would offer more detail in terms of erosion control, etc.
- o He reviewed the details of the submitted plans with the SCC.

Issues Discussed-

- o Informal blazed woods trail was reviewed, with actual locations still to be determined, crossings on the trail can be spaced boardwalks to avoid impact.
- o W. Swiacki noted that there would be no major tree cutting, only trimming along the proposed trail.
- o M. Marcus outlined the revised mitigation area and basins; he reviewed the plans in detail and noted that the basins would have vortexnix pretreatment.
- o J. Hoffman noted that at the previous hearing some areas still did not meet the wetland bylaw regulations. M. Marcus agreed and noted that variances were being requested for some of the structure within the 50-foot buffer.
- o M. Marcus reviewed the shifting of the basins outside the 25-foot buffer, but noted that some outlet structures were within 25 feet by necessity.
- o W. Swiacki asked if detention basin work within the 25-foot buffer was discussed as a regulation amendment at the last commission business meeting. No. The business meeting had been continued to 11/19.

*Submitted Information-Bridge Detail

- o Bridge detail dated 9/18/03.

Issues Discussed-

- o Slope needed to allow light to get under to wetland is extreme and will cause more impact; a 13% slope leading to the 9% slope on Whittemore would be required.
- o W. Swiacki/W. Belec noted that according to NHESP and DEP if the impacts for the alternative exceed or are the same as the actual crossing they must not be required as an alternative.
- o M. Marcus noted that the channeled road can be engineered to control some of the existing erosion issues.
- o D. Barnicle and D. Mitchell asked A. Allen as part of his review to check on and evaluate the seeps and the various hydrologic connections to the BVW/Wetland. (The hyporheic flow connections).
- o Allen asked if there was currently a phasing plan. No. W. Belec noted the 2 roads were stand-alone projects. A. Allen noted that in any major project a phasing and sequence plan would be a good idea.

Information to be Submitted-

- o Third party peer review and consultation report by A. Allen.
- o A phasing and sequence plan if further review is warranted.
- o Habitat evaluation report if further review is warranted.
- o Water quality control pre and post construction plan if further review is warranted.

Site Visit-

- o To be conducted by A. Allen with M. Marcus at their discretion.

Continuation-

- o To October 16, @ 8:10 to 9:10 PM.

PUBLIC HEARING –New Forestry Application Review

NEW BUSINESS –

OLD BUSINESS –

OTHER BUSINESS –

LETTER PERMITS -

The Commission reviewed the following Letter Permit Requests

- o B. Caron for 294 Clarke Road Extension – reconstruction of a single-family home on the same foundation. Denied for lack of sufficient information. Additional information can be submitted and the request will be reconsidered.
- o R. Chamberland for construction of a carport on existing paved area at 55 Caron Road. Approved by unanimous vote. There will be no change in impervious and no additional potential impact to Cedar lake.

CERTIFICATES OF COMPLIANCE

Motion to adjourn, approved by unanimous vote, 11:45 PM