

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, October 2, 2003

MEMBERS PRESENT

D. Barnicle, E. Goodwin, D. Mitchell

7:00 PM

MINOR WALK IN REQUESTS

None

CPA UPDATE

Tabled to October 16.

MINUTES REVIEW

Tabled to October 16.

CORRESPONDENCE REVIEW

Correspondence reviewed and discussed included; Notice of the Big Alum Lake annual drawdown, Environmental reports from EcoTec for the Preserve Subdivision, The Water Wisdom newsletter.

DISCUSSION OF NEW INFORMATION

- o The SCC reviewed and approved a 3rd party consultation quote from EcoTec for Whittemore Woods.
- o D. Mitchell addressed the issue of drinking water quality and what actions the SCC could take to add protection. He noted that the town did not have a back up water source as many other communities do. D. Barnicle suggested coordinating with BoH. E. Goodwin noted that the recharge areas could be protected through better regulations. D. Mitchell stated that he was looking more towards surface water quality issues in general. The issue was discussed in some detail and will be revisited.
- o The salt contamination off Mass Pike directly into Cedar Lake and Long Pond as well as into several tributary streams was discussed. Mass Pike needs to file a NOI for NPDES compliance, which should help, but would not likely result in any tangible results until 2005 at the earliest. The Cedar Pond issue is being discussed with Linda Domizio of DEP. The goal is to reduce erosion and contamination into the north side of Cedar Lake due to the severely eroded channels.

REVIEW OF SITE VISITS

Trail Road-

- o The commissioners reviewed the stream connecting Big Alum Lake to Long Pond. The work is more than 200 feet from the stream, which is perennial. The potential vernal pool is an excavated hole filled with debris, including some glass bottle shards dating to the 20's or 30's. While it may fill with water, the base material and gravel base would not be conducive to vernal pool species. The drainage on lot 3 needs DPW approval.

10 Gifford Road-

- o The commission conducted a site visit on September 28. Virtually the entire site is flagged as wetland. Several flagged areas overlap into other differently flagged areas. The streams do not appear to have wetlands flags along them despite the fact that they are completely surrounded by BVW. The home has wetland flags attached to it in several places. There appears to be two uplands, one approximately 5 feet by 3 feet and the second approximately 10 feet by 3 feet. The

SCC will need to revisit the site with J. Teachout to confirm and clarify the overlapping flagging and the extremely minor amount of uplands. Detailed information can be obtained from the site visit summary sheet from 9/28 located in the project file.

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

The SCC reviewed the draft permits requested for 26 Tantasqua Shore Drive, 97 McGilpin, and 96 Fairview Park Road and approved the OoC's. The conditions requested should be referenced in the individual permits issued for each project.

Falls Road Dam at Walker Pond

o DEP has still not submitted a DEP #. Two copies of the NOI have been submitted.

51 Holland Road

o No new information was submitted to the SCC by the applicant. An enforcement order approved at the September 18, public meeting was reviewed, amended, and approved. See the EO for DEP 300-553.

PUBLIC HEARING – 3-NoI's and 1-RDA – J. Teachout of Jalbert Engineering for Paquette Realty for single family home lots along Trail Road, #'s 335, 337, 339, 341.

D. Barnicle opened the public hearing, present were J. Teachout and E. Paquette.

Submitted information-

- o A revised drainage easement rerouted between lots 2&3.
- o Taxes paid form

Topics Discussed -

- o The catchbasin on lots 2/3 shown with a rim invert.
- o Outflow pipe which daylight at elevation 676.
- o Riprap outfall is entirely outside the 100-foot buffer to the BVW.
- o The potential vernal pool, while an isolated area subject to flooding, shows no indicators of a vernal pool.

Issues Concerns –

- o The proposed drainage easement and system between lots 2 & 3.
- o D. Mitchell reviewed the site water flow with J. Teachout for lots 2 & 3. On lot 2, the water is directed along the natural flow path. The drainage is tipped toward the right, back side toward the dug wetland.
- o E. Goodwin reviewed the buffers from both stream and wetland.
- o The SCC was concerned with future intrusion into the riverfront resource area.

SCC Responses-

- o E. Goodwin noted that there was erosion control for the home construction but none for the erosion control swale.
- o N. Ryder noted that Phase II stormwater would be required as more than one cumulative acre was being disturbed.

Applicant Responses-

- o The pipe will pick up from the existing drop inlet, run along the frontage underground to prevent freezing and daylight at elevation 676.
- o The pipe will be a non-crushable aggregate.
- o Erosion control will be extended around the swale.
- o Trap rock will be installed at the entrances.
- o No erosion will leave the site.

Abutter Concerns –

- o None.

Proposed Actions-

- o Concrete bounds will be placed along the 200^{+30'} foot riverfront buffer, which coincides with the 100 foot BVW buffer. Bounds will be stabilized with rebar (sp).

Definitive Actions-

- o Motion to Close- D. Mitchell 2nd- E. Goodwin Vote- All in favor
- o Motion- by D. Mitchell to approve the project as amended and conditioned and to issue permits.
- o 2nd-E. Goodwin
- o Vote-All in favor.
- o Bounds will be placed along all property borders and buffer zone corners as shown on the plan modified by the applicant during the hearing.

Information to be Submitted-

- o Proof of approval by DPW for the change in drainage between lots 2 &3, as shown by G. Morse's signature on the plan.

Special Conditions-

- o The concrete bounds must be installed as stated.

Site Visit-

- o Will be required when erosion control is installed and prior to the start of any work.

PUBLIC HEARING – NoI's – J. Teachout of Jalbert Engineering for Rousseau for installation of a title tank at 78 Carey Road.

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

Submitted information-

- o None

Topics Discussed -

- o N. Ryder reviewed the application, noting that the road was named Bullough Road according to the assessor's office rather than Carey Road as stated. The abutter notification would need to be confirmed.

Issues Concerns –

- o E. Goodwin noted that the stream shown on the property, as intermittent, is perennial in fact.
- o The system will be replaced on the existing system site, how will contamination to surrounding wetlands be prevented.

SCC Responses-

- o E. Goodwin asked if it would be an above ground or below ground tank, he noted that the entire lot was a filled wetland.
- o D. Mitchell asked for confirmation that there were no other alternative locations.

Applicant Responses-

- o While the work is within stream and wetland buffers on all sides, the system is failing. The tite tank will improve conditions to the existing home and wetlands. J. Teachout agreed that the soils were all organic.
- o The existing cesspool will be emptied crushed and removed. The tite tank will be placed in the same location.
- o The site is already disturbed; there are no other upland areas on site. The yard soils are all organic and essentially wetland. Moving the system anywhere else will create problems with grade and will require extensive excavation and fill.

Abutter Concerns –

- o None

Information to be Submitted-

- o A revised plan needs to be submitted showing the perennial stream adjacent to, and running through, the site.
- o The lots exact location along Leadmine Pond should be shown on the locus
- o A correct abutter list will be obtained and those not notified will be notified prior to the continuation.

Potential Special Conditions-

- o None at this time.

Site Visit-

- o The commission has been on site several times; no additional site visits are needed.

Continuation-

- o To October 16, 2003 @ 7:20 PM.

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 P. Connly and D. Hannesian.

Submitted information-

- o Draft permit submitted by N. Ryder as outlined at the September 18, hearing.

Topics Discussed -

- o The permit wording and special conditions were discussed and amended as shown on the final Order of Conditions for the proposed project, DEP 300-557.

Issues Concerns –

- o Dock approval, while the purview of the Board of Selectmen should also likely be reviewed by the SCC.

- o Discussion was held regarding, General laws, chapt 91 – sect 10 A – para 7....For the purpose of this section, temporary shall mean for no longer than to the end of any given calendar year. The discussed concern was that dock owners were being told that they did not need to reapply yearly for docks. BoS, SCC, no town municipal agency has the right to negate state law. A town has the right to impose local rules and regulations that exceed the state laws and are stricter, but they cannot be more lenient or decrease the intensity of state law. The issue will be re-discussed at a future commission business meeting.
- o D. Mitchell noted that the SCC could document dock existence and use, during the 2004 Lakes Monitoring sessions. It would add a small amount of time to each survey but would not be time prohibitive since the commission would already be on the lakes.

Applicant Responses-

- o None.

Abutter Concerns –

- o None attended.

Definitive Actions-

- o Motion-by D. Mitchell to approve and sign the amended Order of Conditions.
- o 2nd-E. Goodwin
- o Vote-All in favor.

Special Conditions-

- o See the Order of Conditions for DEP 300-557 for final conditions and wording.

PUBLIC MEETING–B. Caron for 294 Clarke Road Extension, single-family home replacement on an existing foundation.

D. Barnicle opened the public meeting, present was B. Caron.

Submitted information-

- o N. Ryder submitted the site visit summary sheet and site visit photos.

Topics Discussed -

- o B. Caron noted that he had applied for a roof permit for a Quonset Hut.
- o When removing the roof he found the walls to be rotted and needed replacing.
- o All construction is on existing foundation.
- o G. Peabody and L. Adams had taken a site visit and confirmed the work was on an existing foundation.
- o The property is being tied into the Big Alum sewer connection.
- o B. Caron outlined the erosion control already installed as requested.
- o The driveway already exists.
- o The existing yard is a gravelly material with little grass or vegetation. Landscaping is planned.

SCC Concerns-

- o The SCC questioned the distance to the lake from the existing home front.
- o D. Mitchell asked if a well would be needed.
- o D. Barnicle questioned where access and egress to the home would be.
- o D. Mitchell confirmed that no deck construction is planned.
- o E. Goodwin questioned the erosion shown in the photos.

Applicant Responses-

- o The home is approximately 10 feet to high-water mark. 15 feet to the current water mark.
- o A well already exists.
- o B. Caron noted that a small porch already existed and outlined it on the plan. He noted that no additional exterior structures would be added. The porch is elevated. The main door to the home is away from the lake.
- o B. Caron noted that he was not enclosing the porch.
- o The erosion shown in the photos is actually on the Italian Club Beach. B. Caron noted that no debris or erosion was entering the lake or would enter the lake from the property.

Abutter Concerns –

- o None attended

Proposed Actions-

- o The commission discussed whether to issue a letter permit as requested, or require a full NoI.

Definitive Actions-

- o Motion – to accept the Letter Permit as amended.
- o Vote-All in favor.
- o A letter permit will be issued with all special conditions that would be required in a formal permit. The commission felt this would be appropriate as no soil or vegetation disturbance was to be taking place. Should the applicant not wish to comply with the conditions imposed, a full NoI could be applied for.

Information to be Submitted-

- o Additional existing site photos.
- o A detailed, accurate and complete site plan showing all current property details, including but not limited to, all current structures, location of trees, stone walls, retaining walls, slopes, dimensions of these areas from the lake (an accurate scale should be shown on the plan).

Special Conditions-

- o No excavation of soils is to take place under any circumstances. The replacement home is to remain on the exact foundation as the original home
- o There is to be no removal of any vegetation of any kind along any resource areas of any kind without further application to the commission for prior review and permitting.
- o Erosion control, is to be maintained along the lake front The erosion control is to be maintained and replaced as needed to ensure no soils or construction debris enters the lake.
- o Erosion control may be removed when the work is complete and the area is stabilized as determined by a site visit and sign off from the conservation commission or their representative.
- o No pressure treated lumber is to be used anywhere on site except for that necessary in the construction of the actual home.
- o The drainage stream on site, which runs from a small drain pipe in the ground should be stabilized via a small, loose stone lined swale to prevent deposits of this erosion material from entering the lake.
- o Any changes to existing site conditions, vegetation, soils etc is to be brought to the commission for prior review and permitting via the appropriate application process.
- o No stockpiling of debris material is allowed within 200 feet of the lake.
- o No stockpiling of construction material is allowed within 200 feet of the lake except for that which

will be used immediately (within 2 days).

- o A Commission site visit is required for final site inspection and notice of no significant adverse impact following the project completion.

Site Visit-

- o The site will be monitored.

PUBLIC MEETING – Continuation of the Commission Business hearing from 8/27.

- o Tabled to November 19.

PUBLIC HEARING – New Forestry Application Review

D. Barnicle reviewed and reported on the following forest cutting plans.

G. King of Native American Hardwood for High Street

Topics Discussed-

- o All work proposed is off to the side of the stream.
- o Less than 1/3 of the basal area will be cut to open the canopy.
- o The remaining trees will be seed stock.
- o The land is working on a 5-year plan.
- o There are no crossings and no work in wetlands.

Issues Concerns-

- o The land is not in chapter 61, but more positively is working with a formal cutting plan.

SCC responses-

- o E. Goodwin asked how much land was being cut. 10-12 acres.

Proposed Actions-

- o D. Barnicle recommended approval.

Definitive Actions-

- o Motion to approve the project as presented. Approved by unanimous vote

J. Theroux for Breakneck Road

Topics Discussed-

- o 200 Acres.
- o 1/3 basal material has not been logged in over 50 years.
- o 30 inch DBH White Pines stand 70-90 feet tall.
- o The cutting is minimal and very selective, 75% White Pine, with most of the rest Red Oak.
- o The upperstory is so dense due to the large trees that there is very little understory.
- o The cutting as proposed is intended to stimulate a natural seed stand.

Issues Concerns-

- o The property owner does not want the Hemlocks cut despite the fact that the Woody Adgelid will likely kill them.
- o There are two crossings, D. Barnicle outlined both. One is at the narrowest point, a drop bridge will span it resulting in no disturbance. The second is flat, spread out, and badly rutted from ATV use. The gravel crossing will stabilize the soils in the area and will be left in place.

SCC responses-

- o D. Mitchell questioned if the density would cause access issues. No, the upperstory is dense, there is plenty of room on the ground.
- o E. Goodwin asked if this was the land being targeted by the Casino.
- o D. Barnicle noted that in terms of foresting the cutting will result in a distinct improvement to the stand.

Proposed Actions-

- o D. Barnicle recommended approval.

Definitive Actions-

- o Motion to approve the project as presented. Approved by unanimous vote

NEW BUSINESS

- o The SCC discussed implementing a welcome letter program to new residents of homes with open conservation permits. D. Mitchell noted that the letter should include positive information about resource protection and note the permit or issues relevant to the property.

OLD BUSINESS

- o The OSV erosion control plan for the small vernal pool near the Rice Shed was tabled to October 16 for take home review.
- o The SCC discussed the Dialogue on the Future subcommittees and will work on finding representatives to the commission for the Municipal Services Committee. No one can attend the 5:00 time slot on Mondays.

OTHER BUSINESS

- o The SCC approved and signed the signature authority for N. Ryder to sign financial documents and other forms on behalf of the commission.
- o The SCC reviewed and approved a proposal to hire a temporary assistant to work on the database case files and conduct minor trail work.

LETTER PERMITS

- o Letter Permit information was submitted and reviewed for S. Sanderson.
- o A letter permit for Maramo for a deck at 56 Goodrich Road was reviewed and approved.

CERTIFICATES OF COMPLIANCE

- o None

Motion to adjourn at 10:00, approved by unanimous vote.