

STURBRIDGE CONSERVATION COMMISSION
Minutes for Thursday, October 16, 2003

MEMBERS PRESENT

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

7:00 PM

PUBLIC MEETING – 51 Holland Road, re: enforcement order follow up.

D. Barnicle opened the public hearing, present was L. A. Sugrue for J&W Company.

Submitted information-

- o None

Topics Discussed -

- o Submittal of information, L. A. Sugrue noted that she had been sent a notice of deficiency by DEP. The problem had been that 2 different RNF's had been filed for the site, one for groundwater and one for soils. This was compounded by the fact that the individual in charge of the case, Frank Schianameo had recently retired. DEP had recently combined the two files so the communication lines were no longer confused. She noted that there had been a lack of communication.
- o The Commissioners agreed emphatically.
- o L. A. Sugrue noted that B. St. Hillaire, the LSP, was reviewing the data, as soon as he was finished she would send copies to B. Dunn at DEP and the SCC.
- o There was also a problem with the lab, apparently data had to be resubmitted because of cross contamination.
- o L. A. Sugrue noted that the imminent hazard sites had been identified, dug out by hand, and lined until further test results came back. She noted that for the hot spots, this would be repeated until the resulting soils were within acceptable limits.
- o She noted that she had difficulty getting a contractor to haul the soils; the job was too small.
- o The artesian well has been successfully capped; a hand geoprobe will be used to take surface samples.
- o Test wells will be installed upgradient and downgradient of the artesian well.

Issues Concerns –

- o D. Barnicle noted, repeatedly that the SCC's one issue was that supposedly the assessment was done, the analysis was done, the draft of the results had been validated, but the SCC still had no information to review.
- o D. Mitchell noted that the exceeded materials, Cadmium, Arsenic and Chromium, were all associated with paint residue.
- o D. Mitchell discussed the installation of the test wells near the Artesian well, using hand driven piezometers, screening will be conducted at 2' depth.
- o D. Mitchell questioned what the surficial geology was. L. A. Sugrue noted that it was primarily hardpan covered with loose peat and hydric soils.
- o D. Mitchell questioned whether Tighe and Bond had conducted soil borings near the well. No.
- o Lab submittal dates and turn around times were discussed.
- o D. Barnicle read through the list of conditions that were outstanding.

Applicant Responses-

- o L. A. Sugrue noted that D. Barnicle had a point but said she had nothing to show the SCC at the moment. She guaranteed that the data would be submitted before the next meeting, the labs data review and LSP review were nearly finished.
- o L. A. Sugrue noted that until the cross contamination issues with the lab results were resolved, she would not have definitive data or information.
- o L. A. Sugrue stated that she did not feel it was appropriate to submit a site plan, the cost of creating one was excessive.

Abutter Concerns –

- o None attended

SCC Responses/Comments-

- o J. Hoffman questioned if this was the first time L. A. Sugrue had dealt with contaminated waste projects or OoC's. No. He noted that L. A. Sugrue was completely familiar then, with the process and the 10-day appeal period if she felt the special conditions were excessive. Yes. J. Hoffman noted that all requirements outlined in the OoC must be complied with and met, or enforcement would be pursued. He noted that 60 days had gone by since the due dates for information. He noted that he would not be willing to listen to any further excuses.
- o J. Hoffman stated that the SCC had no reason to believe L. A. Sugrue would deliver on anything she said. There was no history of doing so in the past and based on the fact the no new information was submitted for the meeting despite an enforcement order being issued to the property owner, no evidence that anything had changed.
- o D. Barnicle noted that the information was more than 60 days overdue. He asked L. A. Sugrue why she had attended the meeting and what her purpose was.

Applicant Responses-

- o L. A. Sugrue stated that not complying by the timing specified in the OoC was an oversight on her part. The applicant should not be penalized for her problems with the lab and the LSP. She stated that she would have a report to the SCC prior to the next meeting for review.
- o She noted that she attended the meeting on behalf of the land owner to ask for an extension to the initiation of court action on the Enforcement Order. She noted that the report would be submitted to the SCC office by the next Wednesday.

Proposed Actions-

- o The SCC discussed allowing a one week postponement. The noted that the primary goal was compliance and cleanup, not fining. J. Hoffman and D. Barnicle read through the EO conditions with L. A. Sugrue and noted that they had expected all to be complied with by the current meeting.
- o The SCC discussed action should the information not be received on the date agreed to.
- o A motion was made by J. Hoffman, seconded by D. Barnicle to act on the enforcement order as they did not believe the data would be submitted in one week as the applicant was promising. D. Mitchell and E. Goodwin disagreed with the motion, noting that the intent was to have the samples taken, tested, and data submitted to direct further course of action. The motion did not carry.

Definitive Actions-

- o Motion- By D. Mitchell to extend the EO action deadline by one week, all data to be submitted by October 23, a follow up meeting and discussion to be held on October 30. Should this not occur, then J. Hoffman's request to act on the EO and initiate fining through Superior Court would commence on October 24. He noted that while he agreed with J. Hoffman, he also felt that he would be willing to wait one week additional time to obtain the results requested.
- o 2nd – E. Goodwin.
- o Discussion – D. Barnicle noted that since a majority would not approve court action now, he would be willing to wait the one week. He noted that he had no confidence in the applicant's ability or willingness to deliver the information. He stated that his first choice would be to take court action now. E. Goodwin noted to L. A. Sugrue that every item in the OoC had to be addressed in the report.
- o Vote – all in favor.

Information to be Submitted-

- o A full report on the site including all information requested in the OoC for DEP 300-553.

Continuation-

- o The meeting was continued to October 30, 8:30 to 9:10 PM.

MINOR WALK IN REQUESTS

None

CPA UPDATE

Tabled

MINUTES REVIEW

Minutes for July 24, August 7, August 21, August 27 and September 4, were reviewed briefly and tabled to October 30.

CORRESPONDENCE REVIEW

Tabled to October 30

DISCUSSION OF NEW INFORMATION

Tabled

REVIEW OF SITE VISITS

None since the previous meeting.

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

78 Bullough Road

- o D. Barnicle opened the public hearing, present was J. Teachout . J. Teachout noted that the legal ad for the hearing had not been posted. The hearing was continued to October 30 at 7:20 PM. N. Ryder will post the ad.

Falls Road Dam

- o No DEP # or response has been received.

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, A. Szumilas, C. Sylvestri.

Submitted information-

- o Revised site plan with additional wetland, revision dated 10/16.

Topics Discussed -

- o J. Teachout outlined the revised plan noting that the site had changed from the previous delineation. She noted there were two small uplands, one in the front and one on the side of the home.
- o J. Teachout noted that on re-walking the site, there were streams running off streams in-between wetlands.
- o Alternatives for use of the property were discussed.

Issues Concerns –

- o P. Matthews noted that based on current delineation lines and current regulations and flagging, the only alternatives available based on analysis, is to replace the existing home on the exact footprint. He noted it was clear that based on the plan as filed with the SCC, the project would be denied

SCC Comments

- o Based on questioning by P. Matthews, D. Barnicle noted that even if only the home were to be replaced on the same foundation footprint, it would still be questionable as to whether an order could be conditioned to allow the work without impacting the wetlands and resource areas. He noted that the wetland went under the existing home and surrounded it on three sides.
- o N. Ryder asked if the home were to be rebuilt, where would they propose construction zone, 2:1 mitigation for wetland impact, or parking area. D. Barnicle asked where a driveway would be placed.
- o N. Ryder asked if any tests had been conducted under the home.
- o D. Barnicle asked what the depth of soils were until ground water.
- o E. Goodwin asked when the lot was subdivided. He noted that he would not allow any work including reconstruction of the single family home without replication.

Applicant Responses-

- o P. Matthews noted that if 2:1 mitigation was also a requirement, it was unlikely that even the home could be rebuilt. He stated that on 3.1 acres there was no area of upland. He noted that construction access and parking could possibly be managed from the small upland in front of the home. There would be no driveway or yard.
- o Hydric soil tests can not be taken under the home as the inside of the home is standing water.
- o Average depths taken were 7-9 inches.
- o The lots were subdivided in 1999. P. Matthews noted that it was not recorded until 2002.

Abutter Concerns –

- o None.

SCC Responses-

- o D. Barnicle asked the applicant what course of action he would like to take with the hearing based on current discussion and delineation information.

Further Discussion –

- o P. Matthews noted to E. Goodwin during discussion, that the basis of the contract with B. Swiacki was SCC approval based on the original delineation.
- o The SCC noted that if the applicant chose to apply to reconstruct the existing home, they would still face ZBA, BoH, and BI issues, which they should look into.
- o P. Matthews noted that in previous discussion, the SCC had shown willingness to have the home removed, he noted that from an economic benefit, that was the only reasonable course of action remaining. He asked if the SCC would consider an amendment for removal of the dwelling.
- o J. Teachout noted that the well would need to be capped also.
- o The SCC discussed the logistics of home removal with the applicant, including area of access and demolition, site stabilization, future use proposals, equipment to be used, foundation removal, road and site safety issues during demolition.

Proposed Actions-

- o The applicant will submit an amended plan and proposal for the demolition of the home, closure of the well and site stabilization.

Definitive Actions-

- o Motion- by D. Mitchell to allow an amendment to the proposed plan, removing all previous requests and allowing submittal of a plan to demolish the home and stabilize the site.
- o 2nd-E. Goodwin
- o Vote- All in favor.

Information to be Submitted-

- o A revised plan for demolition and stabilization.

Continuation-

- o The hearing is continued to November 13, at 8:30

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 were J. Teachout, A. Szumilas, C. Sylvestri.

Submitted information-

- o Plan for a carwash with wetlands delineated, dated July 7, 2003.

Topics Discussed -

- o Proposal is for an automated, 5 stall, self contained, water recycling, laser carwash.
- o J. Teachout noted that some existing pavement is within the 50 foot buffer.
- o All proposed work is outside the 25 foot buffer.
- o A stormwater management plan will be submitted for groundwater recharge.
- o J. Teachout noted that the SCC should walk the site prior to any major discussion.
- o She will stake the driveway and flag the wetlands.
- o G. Teachout noted that she had spoken with G. Morse, the stream in front of the property will need to be culverted. There is an existing crossing.

Issues Concerns –

- o The SCC requested that J. Teachout and/or the owner be on the property during the site walk.
- o Increase in impervious area.
- o Release of carwash chemicals off the cars as they drive over the stream crossing.
- o Locations of other similar carwashes to see how they function and how far water/chemical wash is carried from the carwash bay.
- o The floor will have radiant heaters installed.

SCC Comments –

- o D. Barnicle asked for information regarding width, depth and number of floor grooves for water storage capacity in case of accidental chemical spill.

Applicant Responses-

- o The information will be submitted.

Abutter Concerns –

- o A. Szumilas and C. Sylvestri noted that there was a traffic outlet onto Gifford. They noted the exit would need to cross a wetland and a stream. They questioned how far the culvert would need to be extended.

Applicant Responses-

- o J. Teachout noted that the Gifford Road exit was an emergency exit only.

SCC Responses-

- o The SCC discussed the exit location and noted that a site visit would need to be taken to review and confirm locations of streams, BVW and wetlands prior to any further review.
- o E. Goodwin noted that an alternatives analysis would also need to be addressed. He stated that he was concerned with the suitability of this lot for the proposed use.
- o E. Goodwin confirmed that there was one set of flags to eliminate confusion during the site visit.

Definitive Actions-

- o None at this time.

Site Visit-

- o A site visit will be taken as soon as the SCC is notified that the driveway is staked and the wetlands flagged.

Continuation-

- o The hearing is continued to November 13 at 8:50 PM.

PUBLIC HEARING - NoI cont – New England Environmental, for Swiacki, for Whittemore Woods Subdivision Infrastructure. Also present will be A. Allen of EcoTec.

PUBLIC HEARING – NoI cont.– New England Environmental, for Swiacki, for Whittemore Woods Subdivision for single family homes and related. Also present will be A. Allen of EcoTec.

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

The focus of this public hearing continuation was to hear and discuss the consultants review of information to date, A. Allen of EcoTec -

Submitted information-

- o A project evaluation submitted prior to the hearing, by A. Allen for EcoTec. Review dated October 7, 2003

*Topics Discussed – Overall Site Review

- o A. Allen conducted a site visit with M. Marcus.
- o Minutes of previous hearings, previous submittals and evolution of plans to date were reviewed.
- o A. Allen noted he had met with M. Marcus and W. Belec of Waterman Design on October 14 to review the preliminary comments and feedback in order to come to the SCC with more of a give and take response.
- o The proposal is essentially for 2 independent projects, the cul-de-sac and the through road.

Comments, Issues, Concerns –

- o A. Allen noted that he felt he had a good feel for the site and the process the SCC and applicants had been through.
- o Taking into account, PB requirements, wetlands configuration and layout constraints, he noted that the applicant had made a very good effort to configure the lots.
- o PB requirement for a through road resulted in a very negative impact and a fragmentation of both hydrology and wildlife. Both site drainage patterns and habitat are bisected.
- o The site is highly constrained by topography, wetlands and hydrology.
- o A. Allen noted that the PB did not appear to be very willing to accept cul-de-sacs in general, partly due to DPW opposition.
- o Cul-de-Sacs would eliminate some of the fragmentation.
- o A. Allen noted that his review was based on the premise that the SCC will accept the through road as the only way to obtain full use of the property.

SCC Comments, Concerns–

- o E. Goodwin questioned if the consultant had considered or looked at any alternative options to a through road. No. The consultant reviewed the plan being presented.
- o D. Mitchell noted that the applicant was entitled to reasonable utilization not full utilization of the property.

Applicant Responses-

- o None.

Consultant Response-

- o A. Allen agreed that the plan before the SCC and the consultant was as proposed. He stated that he reviewed the plan as presented for issues including hydrology and wildlife. He noted that this may not be the plan approved and agreed that the SCC was the official permitting board.
- o A. Allen noted that he broke the review down into 4 different areas; Whittemore area drainage, the area below the isolated wetland, lot 5 and the unidentified stream, and the Fairview Park area.

*Topics Discussed –

- o Whittemore Area Drainage

Comments, Issues, Concerns –

- o There are two lobes of wetland to be impacted on site.
- o The most active drainage channel is chosen as the jurisdictional stream, although there are multiple drainage points.
- o Runoff into the Whittemore area starts with street runoff from Whittemore via a scour/gully.
- o The gully is severely eroded, much of the erosion material ends in a significant plume into a wetland.
- o There is heavy impact from road runoff.
- o Mitigation proposes an enhancement area.
- o Efforts were made to minimize impact from mitigation.
- o The feasibility of a bridge across the wetland creates more impact. The site is not practical and there would not be enough light. He noted that a 4 foot wide by 2 foot high box culvert with an open bottom would be the next best alternative to a bridge span.

SCC Comments, Concerns –

- o The SCC and all present discussed arches, vs. pipes, vs. bridges in detail.
- o G. Morse does not prefer steel arches as they have a history of collapsing.
- o E. Goodwin asked what the benefit of an arch would be.

Applicant Responses-

- o W. Belec noted the options were endless depending on how much someone was willing to spend.
- o W. Belec did not like concrete arch's as they had not structural stability.
- o M. Marcus noted that the size of the box culvert could change to accommodate and open base.

Consultant Response-

- o Three sided cement with an open bottom for natural substrate is OK also, as long as it is practicable.
- o An arch has more height and a broader base.

*Topics Discussed –

- o Wet Meadow Area (part of Whittemore Drainage Discussion)

Comments, Issues, Concerns –

- o A. Allen did not feel the wet meadow enhancement was appropriate.
- o Wet meadows have their own values and wildlife usage and are less common than the mitigation type proposed.
- o A. Allen noted that the wet meadow was valuable in its current condition.

SCC Comments, Concerns –

- o D. Mitchell asked if the wet meadow was less common in the area or globally.
- o D. Mitchell asked if this was primarily a groundwater or surface water component.
- o D. Barnicle asked if there would be a wetland without the runoff from Whittemore Road.
- o N. Ryder asked if moving the culvert would result in damage to the wet meadow.
- o J. Hoffman asked if there were any positives to the mitigation area.

Applicant Responses-

- o None at this time.

Consultant Response-

- o Wet meadows are less common in this region.

- o Primarily groundwater component.
- o There would still be a wetland without Whittemore runoff as there is some groundwater seep. There is too much time between high water flows to maintain the wetland without groundwater seep. The wetland was being fed between high flows.
- o A. Allen, M. Marcus and W. Belec agreed that moving the culvert would damage the wet meadow; it has acclimated to the conditions. A. Allen noted that the situation exists, this is an opportunity to do something positive to improve it.
- o A. Allen noted that there were positives to the mitigation area, it would be detrimental to leave it as is, and a benefit to treat and filter the inflow.

SCC Response-

- o D. Mitchell confirmed that the proposal was to primarily control surface water quality with an understanding that there was some subsurface flow.

*Topics Discussed –

- o Whittemore Road Culvert(part of Whittemore Drainage Discussion)

Comments, Issues, Concerns –

- o There are more creative and beneficial methods to treat runoff and erosion issues on site such as; controlling and stabilizing the existing runoff area, restoring the damaged wetland, treating the stormwater, and most importantly working with the abutting landowner to stabilize the area where the runoff leaves Whittemore.

SCC Comments, Concerns –

- o D. Barnicle asked if there were any improvements proposed, any corrections to the scours.
- o E. Goodwin asked why not just leave the whole system alone. He questioned if it would get worse if it were left untouched. He noted that for years there has been impact to the wetland due to upstream uses, while this may be a good opportunity to clean it up, doing so may release tremendous amounts of fines in suspension and coarse sediments into the downstream wetland. He felt there could be a more creative solution.
- o D. Mitchell asked if there was a better area to move the Whittemore Road culvert to do less damage.

Applicant Responses-

- o M. Marcus noted that most of the scours were caused by bursts of runoff. He stated that there was underground flow elsewhere on the site also.
- o M. Marcus noted that he agreed with A. Allen and E. Goodwin in terms of there being more creative methods to treat runoff and erosion and noted they would discuss ideas. He noted that was one of the benefits of working with an impartial third party.
- o M. Marcus noted that a natural channel had formed due to forced discharge, when he walked the site with A. Allen, at least 8-10 inches of new sediment was present. He felt the project offered a unique opportunity to do good for the entire wetland system.

Consultant Response-

- o A. Allen noted the he would propose to stabilize the scoured gully/chasm, and restore the wetland impacted by sediment. Treatment should also be made to the runoff in-between the road and wetland.

SCC Response-

- o D. Mitchell noted that to get enough velocity to cause scours, meant that the primary source was surface runoff.

*Topics Discussed –

- o Wildlife Habitat/Greenways (part of Whittemore Drainage Discussion)

Comments, Issues, Concerns –

- o A. Allen noted that the same enhanced buffer strip concepts he would be discussing here would apply to all the other hydrology areas.
- o Mitigation for the fragmentation caused by the through road could be obtained through 50 foot greenway corridors.
- o The focus should be on creating greenways around the drainage corridors as they tend to also be wildlife corridors.
- o He outlined ways to enhance the lot layout and house locations to allow better drainage corridor buffers.

SCC Comments, Concerns –

- o D. Mitchell asked how they would logistically accomplish a 50 foot easement.
- o D. Barnicle expressed concern regarding directing wildlife to specific locations rather than preserving the natural wildlife corridors. He noted that as long as there was a through road the site would be disturbed.
- o N. Ryder asked if the corridors would mitigate for wildlife corridor and hydrology impacts. Has a good balance been reached in this alternative proposal.
- o D. Mitchell, D. Barnicle, N. Ryder asked if the width of the corridors was sufficient and for what species.
- o E. Goodwin asked A. Allen if he could give the SCC a plan that did not impact the wetland and would still allow development of the property with less wildlife impact, less fragmentation and less impact to wetlands.
- o J. Hoffman asked what wildlife considerations there would be if there were no wetlands on site. He noted that there would still be wildlife.

Applicant Responses-

- o M. Marcus noted the corridor could be accomplished by shifting the homes somewhat and by planting buffers in other areas.
- o M. Marcus stated that if approved the buffer strips could be undisturbed throughout the project, even the construction phase.
- o M. Marcus noted that in the cul-de-sac plan, the proposal was for gravel connectors for emergency access and utilities. Not as a travel way.
- o W. Belec noted that Lot 24 could be modified to incorporate a larger buffer.
- o W. Swiacki noted that in two areas, the buffer was significantly wider than 50 feet. An area that was 100 feet wide, will now be 125 feet wide.

Consultant Response-

- o Ideally, the corridor would be routed so it could be left in existing condition. Any post restoration would need to be due to natural succession whenever possible. The gully would need to be stabilized in areas with replantings to make a more valuable corridor.

- o If the SCC buys into the through road concept, the consultant and applicant can get into more detail.
- o The site is currently completely undisturbed, there is no way building the project could protect the site, the corridors were a band-aid approach to mitigating the PB requirement to fragment the site with a through road.
- o Big game would require a minimum of 500 foot wide corridor. The corridor proposed would be sufficient, but minimal, for coyote, fisher, songbirds, raccoons. Many species would adapt such as turkeys and deer.
- o A 50 foot buffer strip would encourage lack of canopy, no deciduous growth, but heavy brush and transition area.
- o Where the buffer is left with just canopy and no edge, understory plantings would need to supplement the buffer strip.
- o While a semblance of a reduced mitigation plan was rejected by the PB. He could create a plan with less impact
- o Without the water feature, the site would not have the abundance or the diversity of wildlife. Transient upland species would be present, but the water feature is what makes the property habitat as well.
- o The concepts minimum is 50 feet wide, to expand on this would be better, a 100 foot buffer would be preferable.

SCC Responses-

- o D. Mitchell stated that while a wildlife corridor/greenway ideally consisted of natural uncut vegetation, replanting would result in a long delay before the corridor would encourage wildlife use and migration. He noted that if house locations would create changes in shading or light, it might make sense to plant up front and not wait for natural succession to occur alone.
- o D. Mitchell noted that the concept of greenways was that the wildlife would stay with the cover, the critters wouldn't need signage if it was effectively maintained.
- o D. Mitchell noted that if the 50 foot strip designated did not have trees now, it might need to be shifted to accommodate naturally occurring growth.
- o E. Goodwin stated that the issue of reasonable use continues to come up. Cul-de-sacs are allowed in the bylaw. A Better plan could be created for this property than is being presented.

*Topics Discussed –

- o Through Road Area Below the Isolated Wetland

Comments, Issues, Concerns –

- o The surface hydrology and fractured bedrock subsurface result in drainage, which infiltrates the soil and bedrock and breaks out along the toe of slope.

SCC Comments, Concerns –

- o None at this time

Applicant Responses-

- o W. Belec noted that the culvert could be moved to eliminate the retaining wall and the work within the 35 foot buffer.

Consultant Response-

- o None at this time.

*Topics Discussed –

- o Lot 5 and Unidentified Stream Vicinity

Comments, Issues, Concerns –

- o Lot 5 drainage and a stream in the vicinity of lots 10 and 29 runs past the basin and right in to the wetland.
- o The corridor should be expanded and adjusted to run the entire length of the stream channel with an oversized box culvert to Woods Road.
- o Instead of culverting lot 29, a vegetated stabilized stream channel should be incorporated.
- o The culverts for lots 5 and 10 driveways can be oversized and countersunk to allow the culvert and substrate to be partially embedded.
- o The stream bank replication on the east side of Turner Lane should consider a planted buffer strip and plantings associated with bank replication.

SCC Comments, Concerns –

- o D. Barnicle asked if that culvert would be more of a critter culvert.

Applicant Responses-

- o W. Belec noted that the 2 culverts on the access road near the basin would become 1 culvert and would daylight on the north side of the road. The swale will pass the basin as is shown now.
- o He stated that the culvert would be for both critters and stormwater.
- o W. Swiacki noted it would not be for road drainage as that is directed to the detention basin.
- o M. Marcus clarified A. Allen's point as the portion of the stream should stay a channel rather than being culverted. Correct.
- o M. Marcus noted that the open space buffer between lots 9 and 10 could be increased.

Consultant Response-

- o The stream bank replication should extend into the lot on Fairview. Since the lot is already sold and there is therefore no opportunities for expansion onto it, enhancement plantings could be done on lots 1, 2, 3.
- o Oversized, partially buried culverts should be considered for all other houses in this zone.

*Topics Discussed –

- o Fairview Park Area

Comments, Issues, Concerns –

- o Both ponds have physical characteristics of vernal pools. While they have not been formally evaluated, this is based on the overstory and conditions within each pond.
- o A. Allen stated he would not support restoration of the park as it would be a detriment to a nicely functioning ecosystem.
- o Other than a minimal impact trail, the ponds should remain undisturbed.

SCC Comments, Concerns –

- o None at this time.

Applicant Responses-

- o None at this time.

Consultant Response-

- o None at this time.

*Topics Discussed –

- o Follow-up With Applicant

Comments, Issues, Concerns, discussion–

- o D. Mitchell asked for details on the Turner Lane swale and asked if it would take away from the bank. W. Belec noted it would be a vegetated swale. M. Marcus said he would expand the buffer. A. Allen suggested it be expanded into the front also.
- o N. Ryder questioned if any thought had gone into water quality monitoring. With all the fragmentation, what were the plans to monitor this. A. Allen suggested defined outlet pre and post construction, water quality testing.
- o N. Ryder asked about slope stabilization. A. Allen noted the proposed easement and turn out area with the exception of the detention basin is almost all in severely sloped areas. He noted that an uncut vegetated strip developed on the flat area well throughout the project would be a benefit. A. Allen said it would be to the benefit of the development to minimize impact on and near the slope. A good job would protect the slopes and stability of the area.
- o D. Barnicle asked what level of participation future owners would be required to have to maintain the buffer strips and protections on site. A. Allen noted that the owners would have to appreciate it as a don't touch, no maintenance required or allowed area. Signage at least should be incorporated throughout key areas.
- o D. Mitchell stated that bounds should be used as a minimum and should be standardized throughout the project.
- o M. Marcus noted that the whole development will have conservation buffers, all the residents will protect the areas.
- o M. Marcus noted that he had heard and liked many of Arts ideas, he noted that he appreciated a fresh look at the project. Before he continued to put the plans on paper, he would like to know if the SCC would accept the through road concept.

SCC comments-

- o J. Hoffman stated that the plan had been filed roughly one year earlier with still no change from the through road concept which was earlier denied by the SCC. He stated that he needed to confirm first hand that the PB would not accept cul-de-sacs before he could say yes or no. If the PB mandated that there were no other options but a through road, that would impact his decision. At this point he felt the project had gone as far as was reasonable, the SCC needed answers from the Planning Board.
- o E. Goodwin stated that what A. Allen has brought forward was beneficial to the review. He noted that he was still confused on some issues and also wanted to go to the Planning Board first. He stated that he has seen many proposed plans and conceptual plans, but not one definitive plan on which the commission could vote or take action.
- o D. Mitchell said he concurred that A. Allen did a good job, more thought has gone in and a better design has resulted. The whole issue now though is the through road. If the PB does not allow any other design set up, but a through road, that would also impact his decision. He questioned why cul-de-sacs, which are allowed in planning regulations, were not allowed. D. Mitchell questioned if there were other possibilities or if the SCC was planning on staying with the plan on the table. W. Swiacki suggested the SCC meet with the Planning Board on the next Tuesday to see what options

they would allow or had allowed. A. Allen noted that if the SCC has no intention of accepting the through road concept then his review is moot.

- o D. Barnicle noted that the applicants were already aware of his thoughts and concerns. He asked W. Swiacki and M. Marcus what direction they would like to take. M. Marcus said he had no plans to submit additional information until the SCC asked for additional revised plans or new information.

Abutter Concerns –

- o None present.

Proposed Actions-

- o The commissioners who can, agreed to attend the Planning Board hearing scheduled for the next Tuesday, October 21. N. Ryder is to post it as a public meeting and a hearing continuation if a quorum will be present.
- o M. Marcus noted that he could modify the restoration plan, include stormwater, and adjust 2 lots to allow a 50 foot wide corridor buffer system if the commission wanted to move forward with the through road concept.

Definitive Actions-

- o None at this time, the review is ongoing and still in the fact finding stage.

Information to be Submitted-

- o None at this time. The SCC will continue the discussion at the next hearing continuation.

Continuation-

- o The hearing is continued to October 30th at 9:10 PM.

PUBLIC HEARING - NoI cont. – Green Hill Engineering for Mike Smythe, for tite tank installation at 28 Goodrich Road.

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

Submitted information-

- o No new submittals

Topics Discussed -

- o M. Farrell outlined the proposed project and site as shown on the plan for a tite tank for an existing, seasonal, single family home.
- o Access will be down a narrow drive with a drop of 20 feet over 50 feet distance. There is just enough room for construction vehicles to turn.
- o The tite tank is located in the only available location and is exempt from the 100 foot buffer.
- o The location chosen is the only open area on site, which will not require blasting.

SCC Comments –

- o A site visit is needed to confirm plan details.

Site Visit-

- o Site visit is scheduled for October 18, AM.

Continuation-

- o To October 30 at 7:20 PM.

PUBLIC HEARING – NoI – Para Land Surveying and Engineering for A. Davis for septic system installation for a proposed home at 254 Holland Road.

D. Barnicle opened the public hearing. No applicants or representatives were present. As the SCC had questions regarding the application, the hearing was continued to October 30 at 9:30 PM.

WALK IN MEETING – Bill Fricke, Exxon Mobile, scheduled walk in for Stallion Hill Road site

D. Barnicle opened the public hearing, present were

Submitted information-

- o Notice of Intent applications for 6 NoI's for petroleum pipeline maintenance and repair at various locations from Hall Road to Holland Road, including, 52 Stallion Hill Road, 53 and 46 Holland Road, 8 Forest Lane, Commonwealth of Massachusetts property South of Route 20 approaching the turnpike entrance ramp, and 67 Hall Road.

Topics Discussed -

- o B. Fricke briefly outlined the submittals, noting that as winter was approaching, timing was becoming critical. He asked the SCC to site visit the 52 Stallion Hill Road site in advance of the hearing.

SCC Comments –

- o SCC agreed to site visit 52 Stallion Hill Road during site visits on October 18.

Site Visit-

- o Saturday, October 18, AM.

Continuation-

- o Public hearings for the sites will open on October 30.

**PUBLIC HEARING –New Forestry Application Review
Sheppard Road forestry application site visit review, and reconsideration of application.**
Tabled

NEW BUSINESS

- o Hobbs Brook Trail – The beaver dam has been breached, the water level down and the trail reopened. SCC should check it out. K. Beecher of ACE would like to know who maintained it previously.

OLD BUSINESS

- o Rte 20 Motel– N. Ryder relayed G. Morse's report to the SCC. The grates along 20 had been cleaned earlier in the year. The water ran over the grate due to leaf buildup on top of the grate. He noted that many homeowners neglect to maintain the sidewalks and grates in front of their buildings by removing leaves from the tops of grates. The storm was also unusual with over 4 inches of rain in a very short time. Flooding had occurred throughout the town. While there were some erosion issues, problem areas were corrected as soon as possible.

OTHER BUSINESS

Upcoming seminars

- o Land steward workshops will be held on October 25, sponsored by the Green Valley Institute.
- o Livable communities workshop will be held on October 29, sponsored by the Green Valley Institute.
- o Quinebaug Shetucket, Green Valley Institute and Bob Levite are sponsoring a citizens training collaborative. Various fall 2003 courses are available.

LETTER PERMITS

- o Daniels – Cedar Lake – E. Goodwin will take a site visit on his own time. The plan shows no chance of erosion into the lake. SCC approved the letter permit request as presented if E. Goodwin approves the site. All in favor.
- o 294 Clarke Road Extension – LP issued based on discussion held at previous meeting on October 2.

CERTIFICATES OF COMPLIANCE

- o OSV Rice Shed Pond – Erosion control plan – approved as presented.

SITE VISITS NEEDED

For Saturday, October 18, or independent SCC review prior to October 30.

- o 28 Goodrich Road
- o Clarke Road Extension
- o Town Well test site
- o Millyard Marketplace, stormwater control measures
- o ExxonMobile pipeline location off Stallion Hill
- o St. Annes Cemetery, stockpiling area.
- o 388 New Boston Road, stream to South Pond
- o Mashapaug Road, Hill lots CoC
- o The Trail, E. Paquette lots for preconstruction
- o Preconstruction site visit request for Draper Woods
- o 127A Stallion Hill with G. King, D. Barnicle, (Tues, Wed, Thurs 7 AM)

COMMITTEES

N. Ryder reviewed the various committees which the SCC is represented at and outlined recent discussion.

- o Dialogue on the Future
- o Community Development
- o Municipal Services
- o Recreation
- o Emergency Planning Commission
- o Planning and Development Team (In house)
- o PB – SCC regs overlap review group – on hold for lack of participation

Motion to close and adjourn, 11:00 PM, approved by unanimous vote.