

STURBRIDGE CONSERVATION COMMISSION
Minutes for Thursday, December 11, 2003

MEMBERS PRESENT

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

7:00 PM

- o A business only meeting will be held on January 7, to address the regulation review. No other business is scheduled for 1/7. The regular SCC meeting will be held on 1/8.
- o Also present for the beginning of the meeting were Tantasqua Regional High Media Students, Ben Gelinas, Jen Richardson, Christopher Johnson, and Rachel Denning.

MINOR WALK IN REQUESTS

*J. DiPiano attended the hearing to discuss 96 and 98 Brookfield Road, soil erosion and replication area protection. Also present were Tammi and Dan Howe, prospective purchasers.

Submitted information-

- o A letter to SCC regarding compliance with Order of Conditions DEP 300-390 dated 12/11, a landscape report dated 12/5, and two landscaper's plans and quotes for stabilization dated 12/3.

Topics Discussed -

- o Resource area 25-foot buffer stabilization and protection.

Issues, Concerns, Comments –

- o Hostas planted along the buffer zone will provide better stabilization than the pachysandra originally proposed. The pachysandra did not take.
- o Rough stone/boulder placement as shown on the attached drawing to provide secondary stabilization rather than a versa lock wall. J. DiPiano noted that natural, existing stone material would be used.
- o Existing trees to remain. There is no need to remove as they are viable and will not be impacted by the proposed stone placement. Removing the trees, which are in the wetland, would require replication for which there is no available room.

SCC Comments –

- o D. Barnicle discussed fibrous vs. tuberous root structures in relation to the shade, slope and soil on site. The hostas should establish more quickly with the shade and wet soils present and will provide better soil stabilization.
- o The SCC agreed that the versalock wall would result in greater impact than the placed stone barrier. The stone barrier could wrap around the existing trees on site. The versalock will also require layering and a base level excavation trench.
- o D. Mitchell confirmed that the wall will conceptually be a broken down stone fence look.

Abutter Concerns –

- o D. and T. Howe asked for confirmation that the problem would be fixed satisfactorily with the proposal.
- o T. Howe asked to what extent the SCC was expecting to be involved in the project long-term.

SCC Responses-

- o J. Hoffman noted that the proposal would address the sedimentation issues if the vegetation takes. The main factor will be correct and regular yard maintenance.
- o D. Mitchell noted that even if the plants don't take immediately or some need replacing, the stonewall will eliminate the erosion problem into the wetland.
- o D. Mitchell noted that as long as vegetation was established and the erosion into the wetland stopped, the SCC would consider the project effective.
- o D. Barnicle noted that the home did not spring up naturally, so neither did the erosion problem. He noted that putting the gutters on the house where they were needed would help solve the problem.
- o J. Hoffman agreed and noted that adding gutters to the roof would be about 90% of the solution.
- o All agreed that the direction of gutter flow should be away from the wetland.

Definitive Actions-

- o Motion- by J. Hoffman to accept the correction plan as presented with the natural stone barrier and hostas. A versalock wall should not be installed, the three trees in front should not be cut.
- o 2nd-D. Mitchell
- o Discussion-none
- o Vote-All in favor.

Information to be Submitted-

- o Information on stabilization for resource area buffer zone and replication area protection for 96 Brookfield Road.

Other Special Conditions-

- o None.

Site Visit-

- o When stone barrier and plantings are complete.

Continuation-

- o No.

*Peter Mimeault for information on land near South Pond

Topics Discussed -

- o Regulatory requirements for lake front properties. P. Mimeault is interested in purchasing land near a lake and needed long-term land use information.

Issues, Concerns, Comments –

- o The property in consideration is a 30-year-old cottage within 100 feet of South Pond. A steep slope leads to the lake, is 75% covered by landscaping the other 25% shows signs of drastic erosion issues. A retaining wall exists but has about a 10% lean toward the lake.
- o The concern is if it is purchased, what are the liabilities in terms of retaining wall repair, the 25% of the slope that is eroding and liability if the retaining wall fails. Can the SCC target a new landowner to fix a retaining wall that is not structurally sound.
- o Also what are the permitting requirements if a new owner wants to fix the problems before they become larger.

SCC Comments –

- o D. Mitchell stated that the SCC would not go after a landowner to fix a failing wall. The SCC has no jurisdiction in those cases until the wall fails and there is erosion into the resource area. He noted that most homeowners apply for a permit to fix retaining walls, these permits are usually granted with no problem as they result in a net improvement to resource areas.
- o N. Ryder noted that the landowner did not have to wait for the wall to fail either. Retaining wall repairs can be dealt with using a letter permit or RDA format, which is relatively easy.
- o D. Mitchell clarified that the earlier comments pertained to fixing the wall as it exists, not expanding it.
- o He outlined the 25-foot no-disturb regulation, the 50-foot no-structure regulation and the 100-foot prior review state WPA buffer, the 200-foot prior review Town of Sturbridge Wetland Bylaw buffer, and the level of permitting necessary for each. He noted that the SCC had both regulations and policies on the web page that outlined these buffers.
- o D. Mitchell noted that the key issue would be preventing short-term erosion into the lake during any proposed repair work and working out a plan that would provide long term protection to the lake from erosion, pollutant and sediment migration.
- o E. Goodwin suggested that if they were planning on converting the cottage to a year round home, they consider creating a “soup to nuts” plan to address all the issues at one time. That way the bigger picture can be seen in terms of impacts and permitting needs. He agreed that in terms of correspondence with the SCC the main issue would be to protect the lake.
- o D. Mitchell noted that the slow expansion option did not always give the big picture, the cumulative impacts still had to be evaluated.

Discussions-

- o J. Hoffman and P. Mimeault discussed the current wall height of 5 feet. The plan would be to expand the wall. J. Hoffman noted that since the wall was 50-60 feet from the lake, it was outside the no-disturb and no-structure buffers. It would require a Notice of Intent filing as the work would require excavation and was within the states, 100-foot buffer. He noted that in terms of erosion control on the slope described, timing would be key to any repair or replacement.
- o The North/South Pond flow barrier was discussed as well as the yearly water level changes.

PUBLIC MEETING – Tom Chamberland – Lawn reduction, tree program, backyard habitat program.

D. Barnicle opened the public meeting, present was T. Chamberland.

Topic -

- o Urban Forestry Grant program to assist with community foresting grant programs.

Concerns, Comments, Issues-

- o The program does not apply to town forestry programs.
- o T. Chamberland was not sure it applied to private land.
- o D. Mitchell questioned if Sturbridge was considered urban enough to qualify. Yes.
- o T. Chamberland noted that the town was also part of the “Last Green Valley” which added qualifying points.
- o Grant can possibly be applied to the 127A Stallion Hill and 197 Leadmine Parcels for a multi year foresting plan with 6-7 different public demonstration areas.

Topic-

- o Back Yard Wildlife Management Program.

Concerns, Comments, Issues-

- o To be targeted for Community Appreciation Days in April 2004
- o Local garden clubs and professional landscapers to be contacted as partners.
- o Info will go out on the town cable channel and webpage. The News will be contacted to run an article.
- o The focus will be on minimizing open lawn in favor of treed landscapes and wildlife habitat areas.
- o The program will be designed to be accessible to the public any time they come in asking for information. Year round assistance, support and information will be offered. The SCC office could keep a file on the information and be used as a distribution location for information. The SCC all noted that care must be taken to make sure that landowners also know that protection of resource areas and permitting may be required as part of the project.
- o General permitting guidelines and information should be included in any plan.
- o New developments or existing single-family homes, which incorporate the program can be highlighted as local examples showing what works and what doesn't in the immediate area.
- o Water use reduction plantings and plans will be one focus of the program.
- o A lecture series will be planned on naturalistic landscape. Possible contacts and assistance may be found through UMass School of agriculture or design and through local professional landscapers.
- o A state web site program can be accessed for more information. T. Chamberland will forward the website. Again. Both the Nature Conservancy and National Wildlife Federation have similar programs. The program does not need to be recreated, it can tie into National and Federal existing programs.
- o A planting plot for public exhibition could be incorporated, possibly near the Lauren Lane replication area, which is failing despite the high water levels this year.

Proposed Actions-

- o N. Ryder and T. Chamberland will work on contacts with local landscapers and UMass to see if a lecture series would be workable.
- o T. Chamberland will email information and contacts for the national organization programs and the existing naturalistic landscape plans.
- o N. Ryder will start an information page on the website and cable stations to gauge public interest.

CPA UPDATE

Tabled to 1/8/04.

MINUTES REVIEW

Minutes from 9/18, 10/2, 10/16, 10/30, and 10/31 were partially reviewed. Final review and approval was tabled to 1/8/03.

CORRESPONDENCE REVIEW

Correspondence reviewed included; Mass Wildlife News; EcoTec environmental reports for The Preserve; Tighe and Bond report on groundwater recharge impact for Big Alum lake; Quinebaug Shetucket meeting notes; Summary of the MIIA meeting on land liability and management; MACC action alert request.

DISCUSSION OF NEW INFORMATION

- o Board of Health perc review results and concerns.
- o SWAP report for Sturbridge Isle

- o Sanctuary Homes notice of recording
- o Draper Woods declaration of restrictive covenant response from Kopelman and Paige
- o A Forest Legacy Proposal by Leominster Land Trust

REVIEW OF SITE VISITS

Site visits were taken to the following locations on 11/30.

- o **96 and 98 Brookfield Road** – the property owners discussed the open OoC with the commissioners and agreed to submit plans to stabilize the buffers. They had noted that they were willing to cooperate, but had not been given any information on the permit, public hearings or resource area restrictions prior to the letter from the SCC office.
- o **246 Fiske Hill** – The stream at the back of the property is perennial. The applicant's representative was cautioned that self-imposed hardships would not be a cause for stream or riverfront resource impact.
- o **25 Library Lane**- No problems, no issues, no potential for impact.
- o **Draper Woods** – Tree cutting without stumping has begun off Brookfield Road, no major issues. The site should be stable through the winter, no major work planned until spring.

PUBLIC HEARINGS

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

254 Holland Road- D. Barnicle opened the hearing, the project was reviewed, closed and a permit issued for the work as proposed, by unanimous vote.

10 Gifford - D. Barnicle opened the hearing, the project was reviewed, closed and a permit issued for the work as amended and conditioned, by unanimous vote.

PUBLIC MEETING – LA Sugrue for 51 Holland Road.

D. Barnicle opened the public hearing, the applicants representative was not present. L. A. Sugrue had requested a continuation to the January meeting. Granted to January 8, at 8:30 PM with reservations. The missing items from the report, which was due on 12/4, will be due on 12/20.

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, A. Allen, Atty Donohue, and W. Belec.

Submitted information-

- o W. Swiacki noted that several letters had been submitted to the SCC via email. These are submitted into the record and include; a 12/10 email from M. Marcus, a 12/2 and a 12/3 email from W. Swiacki.
- o A 12/11 memo from EcoTec summarizing events and data to date.
- o A revised plan dated 12/10/03. Sheets 1-5. Not all in full scale, but all in half size for office records.
- o A proposed motion from M. Marcus for approval of the roadway.

Topics Discussed -

- o Approval of the through road as submitted as a concept plan.

Issues, Concerns, Comments –

- o M. Marcus summarized the project to date. He noted that by the end of tonight's meeting he would ask the SCC to take a vote, not to close the hearing, but to vote on the infrastructure, through road, detention basins. He stated the applicant needed a vote on the concept. By the end of the meeting he felt the SCC should have enough information.
- o M. Marcus summarized the changes on the submitted plans noting that many of A. Allen's concerns and enhancements had been included.
- o W. Belec outlined the changes noting that open space had increased by 2 acres. 2/3 of the total site, encompassing all the wetlands was to be designated as open space. He stated that the site was more than 50% upland.
- o M. Marcus outlined the enhancements including all wildlife crossings in place and incorporated.
- o He stated that 25% of the actual roadway was fronted by open space parcels with culverts varying in width from 70 feet to 215 feet with several areas of overlap protection.
- o The total project impacts have been reduced from 4000+ sq ft. to 2500 sq ft.
- o The enhancement area was eliminated to incorporate A. Allen's ideas to improve storm water runoff from Whittemore Road. An infiltrator to trap sediment and clean out should resolve the long-term problems.
- o All scour channels will be stabilized and planted.
- o 63% of the site will be open space and will include recreational areas.
- o Fairview Park restoration potential is there based on the SCC discussion and decision
- o Hiking and walking trails have been laid out and are an available concept.
- o The project as changed represents an effort to address the SCC comments over the past year to make as environmental friendly a project as possible.
- o W. Belec stated that lot 20 could be eliminated. W. Swiacki was not in favor but would consider it as a condition of approval to enhance the wildlife corridor.
- o M. Marcus agreed and noted that A. Allen had suggested this was a critical wildlife corridor. He noted that W. Swiacki does not want to lose the lot but is willing.
- o W. Swiacki stated that there was 215 feet of overlapping open space parcels on the east side with lot 20 on the west side.
- o W. Swiacki noted an increased conservation easement on lot 24.
- o He said 42 Whittemore could be added as a link to the open space parcel, he would be willing to include this as part of the open space.
- o W. Swiacki outlined the open space parcels and the potential open space on neighboring lands.

Consultant Comments –

- o A. Allen stated that he had only seen sections of the most recent plan via email today. He summarized his review and comments.
- o He stated that a currently waiverless cul-de-sac option was not feasible from an engineering standpoint or economic standpoint due to Planning Board current regulations.
- o If the through road is rejected, the potential development at the moment will be limited to the existing single cul-de-sac off Fairview.
- o He noted that the Turner Lane cul-de-sac was not really a feasible way to access the rest of the property.
- o He noted that most of his suggestions had been included in the revised plan.
- o The issues not addressed were the 25-foot no-disturb setbacks needed to be shown. (W. Belec noted that sheets 2&3 show the 25 foot) A. Allen noted that the setbacks also effect the individual lots and for consistency should be shown there as well.

- o Bank resource under WPA and the town bylaws is also an impacted resource that needs to be addressed.
- o A. Allen noted that he had not yet had time to review the restoration and mitigation but understood it was incorporated.
- o He noted that the wildlife corridor along Whittemore was increased.

SCC Comments –

- o E. Goodwin confirmed that the open space parcel near Ames was no longer a leachfield.
- o D. Barnicle questioned if Fairview Park contributed to the infeasibility.

Consultant Responses-

- o A. Allen noted that the plan as presented with the two openings off Fairview did not appear to create a hardship. He noted that they could still create 3 standard cul-de-sacs with no variances with the remaining access areas.

SCC Comments, Concerns, Issues-

- o J. Hoffman requested an explanation for the 25% roadway open space. He stated that by his calculation it was not 25%.

Applicant Responses-

- o W. Swiacki outlined it on the plan. The 25% is not based on the entire width of the roadway but on adding the total linear feet on the east side and west side of the road together.

SCC Responses-

- o J. Hoffman noted that the actual amount based on straight road was about 12%.
- o N. Ryder noted that adding the sides together seemed like it was double counting the actual connecting roadway open space for wildlife corridor.

Discussion-

- o * E. Goodwin asked how many lots have CR's. (W. Swiacki said 25). He asked A. Allen if he had any experience or advice on how 25 separate and individual CR's can be handled, policed or managed. A. Allen noted that normally they are restricted in the deeds but it is up to the SCC to oversee and enforce the CR's. W. Swiacki noted that most were adjacent to open space parcels. A. Allen noted that the goal would be to have areas remain as undisturbed as possible. E. Goodwin asked if a CR was placed along a roadway, would it be destroyed during road construction. A. Allen said it would have to be modified and replaced. W. Swiacki agreed and noted that 2 detention parcels, which would go toward the open space, would be disturbed and revegetated. M. Marcus agreed with A. Allen and noted that the SCC job would be difficult to monitor the CR's. He suggested incorporating concrete bounds so the restricted areas have a visible physical barrier. He noted that in one project bluebird-nesting boxes had been used.
- o * D. Mitchell asked how wide the crossing closest to Fairview was. A. Allen noted that 50 feet was the goal to preserve the tree root systems, canopy and forest floor and to have a natural vegetated community remain. W. Swiacki noted it had previously been 30 feet wide. A. Allen noted that the 50 feet in width represented the minimum 25-foot no-disturb buffer on each side of the channel. 50-feet was the minimum not the ideal.

Abutter Concerns –

- o None present.

Discussion regarding a motion-

- o D. Barnicle noted that the Commissioners had spent a great deal of time reviewing the information. He noted that barring any additional questions, discussions he would entertain a motion and noted that M. Marcus had a draft prepared in writing.
- o The SCC reviewed the motion
- o N. Ryder stated that she was concerned that the motion was for the entire infrastructure rather than just the through road. She noted that both were being referred to and were very different.
- o M. Marcus clarified that his motion was for approval of the through road and infrastructure layout with the understanding that the details of the infrastructure NoI would be worked out and subject to review and change.
- o W. Swiacki stated at that point, if the SCC approves the through road, he will still need to go the PB for approval.
- o E. Goodwin questioned when the appeal process started if 10 or more abutters or residents wished to appeal any SCC decision.
- o N. Ryder stated that the appeal period started when the SCC issued a formal OoC.
- o D. Barnicle stated that the bottom line was that the SCC was being asked to vote on the through road and layout of infrastructure. If yes, details can be nudged but can't be denied.
- o W. Swiacki agreed and summarized the earlier denial action by the SCC.
- o D. Barnicle called for a motion

Definitive Actions-

- o J. Hoffman noted that for the purpose of moving the hearing he was amending the motion proposed by M. Marcus, but it did not necessarily reflect his personal opinion.
- o Motion by J. Hoffman - to move that the Sturbridge Conservation Commission approve the roadway configuration as shown on the plans entitled "Whittemore Woods Site Conservation and Development Plan" prepared by Waterman Design Associates and dated December 10, 2003 and as amended during presentation by Waterman Design Associates.
- o 2nd-D. Mitchell
- o Discussion-None additional.
- o Vote-No one in favor, all opposed.
- o Motion does not carry, the through road is denied a second time.

**Submitted Information-

- o (At the end of the hearing) revised outlined plans in red, dated 12/11/03 by W. Swiacki

**Applicant Issues -

- o Atty Donahue asked if the SCC would accept an amendment to accept the Turner Lane portion of the plan only.
- o He noted that there was no BVW disturbance with regard to Turner Lane.

**SCC Comments, Concerns-

- o D. Barnicle questioned if this included the storm water in the upper right corner, lots 1-7 and Turner Lane.
- o SCC reviewed the data for Turner Lane.
- o D. Barnicle questioned if the CR between lots 3 & 4 would remain.
- o E. Goodwin asked for the area and details, which W. Swiacki meant, to be outlined clearly in red.
- o N. Ryder noted that regardless of how the application was amended, any future filing review would include all work done cumulatively on the original property as one project.
- o J. Hoffman noted that an applicant could submit an alternate plan anytime they wanted.

- o D. Mitchell noted that very little of the Turner Lane area had been discussed.
- o E. Goodwin noted this was likely due to very few issues.
- o D. Barnicle noted that he agreed that there appeared to be few issues in the Turner Lane corner of the site.
- o J. Hoffman cautioned that accepting the amendment to the plans does not mean acceptance of the plans.

****Applicant Response-**

- o W. Swiacki noted the CR's would remain on the plan as shown but the bank replication as mitigation would be eliminated.
- o Turner Lane areas to be amended were outlined as requested.
- o W. Swiacki stated that he was asking the SCC to allow the amendment now and eliminate all the rest of the plan detail.
- o W. Swiacki stated that he would like the SCC to tell him now if they will not approve Turner Lane amendment. He noted that it was a self-contained project.

****SCC final comments-**

- o D. Barnicle polled the commissioners, he noted that three of the four did not voice any major issues with the Turner Lane amendment.
- o He noted that he would suggest submitting the formal amendment and reminded the applicant that this was at his risk, there was no formal vote.
- o N. Ryder asked if all work for Turner Lane was being combined into one amendment for infrastructure and houses.

****Information to be submitted-**

- o W. Swiacki said the final amendment would include both infrastructure and house lots for Turner Lane and would be sent to A. Allen and the SCC prior to the 1/8 hearing continuation.
- o He noted that hopefully it would be a simple affair. The SCC agreed that they hoped it would.

****Continuation-**

- o The hearing is continued to 1/8 at 9:00 PM to discuss and possibly act on the proposed project amendment.

PUBLIC HEARING – RAD cont. – Waterman Design for 450A Main, delineation.

D. Barnicle opened the public hearing, present was B. Waterman.

Submitted information-

- o Revised wetland plan showing the reflagging covered at the 11/20 hearing, superimposed over the original flagging. Dated 11/20/03.

Topics Discussed -

- o The SCC reviewed the revised plan and the plan notes.

Issues, Concerns, Comments –

- o The current level of Beaver flooding has caused the water to rise 3 feet upland. The 3 feet of standing water is land under water but not hydric soils or established wetland.
- o Flooding of Route 20 is a potential hazard issue.
- o Any proposed design will stay along the ridge near the existing senior housing.

SCC Comments –

- o The SCC agreed to the delineation as presented in the amended plans.

Abutter Concerns –

- o None present.

Definitive Actions-

- o Motion- to close the hearing and issue a formal approval of delineation by D. Mitchell.
- o 2nd-E. Goodwin
- o Discussion-none.
- o Vote-All in favor.

PUBLIC MEETING – RAD preliminary – Waterman Design for Wallace Road, delineation only.

D. Barnicle opened the public meeting, present were B. Waterman and J. Lesaro.

Topics Discussed -

- o Possible waiver of the 8% slope/500-foot buffer zone and the regulation which states that the 25-foot no-disturb buffer starts at the top of slope.
- o J. Lesaro and B. Waterman outlined a plan showing the delineation of a wetland covering the entire back 2/3 of the property. A flat area from Wallace Road leads to a steep bank. Just off the base of the bank lies a BVW to a perennial stream. The only upland is that off of Wallace Road to the top of bank. The entire bank is covered under the 200-foot riverfront resource area aspect of the WPA.
- o Due to the town wetland bylaw regulations though the 25-foot no-disturb buffer begins past the end of the 200-foot riverfront resource buffer.
- o The applicant outlined the perennial stream, the 200-foot riverfront resource buffer, the base and top edge of slope, the 25-foot buffer and the 50-foot buffer.

Issues, Concerns, Comments –

- o Will the SCC, in this case, grant an exemption to allow reasonable use of land. If not there is very little developable land on the property.
- o 90% of the property is under water.
- o No work is being proposed with the first delineation.
- o All work proposed will be outside the 200-foot riverfront buffer.

SCC Comments –

- o D. Barnicle asked if the flooding is due to stream or beaver or seep.
- o D. Mitchell and E. Goodwin requested that the 200-foot riverfront resource area be marked off as well as the 25-foot buffer off the top of slope.
- o E. Goodwin confirmed that all proposed work will be restricted to the flat area off Wallace Road and will not extend down the bank.
- o Will the site contain a septic system or well.
- o The SCC asked what was proposed.
- o D. Barnicle noted that the property was essentially fill and questioned the lands ability to support structure and use. He suggested that the applicant go to the office complex next door to Paolettis and look down the back slope for a prime example of what filling a wetland looks like in terms of erosion and degradation of the land when structures are added.
- o D. Barnicle questioned if structure of any type was proposed to the top edge of slope. If so, he had major concerns and would not allow the same error to occur again.

- o D. Mitchell stated that he would need to see the site, including edge of slope prior to deciding. He also requested that the proposed edge of work be shown and marked.
- o D. Barnicle and J. Hoffman said they could not comment until they saw the site.
- o E. Goodwin felt that if they were outside the 200-foot buffer, he would not have a problem.

Applicant Responses-

- o The extent of wetland is due to all of the above, stream, beaver and seep.
- o Town water and sewer is proposed.
- o The project will be for 60+ senior housing.
- o A delineation plan will be submitted for a site visit.

Abutter Concerns –

- o None present.

Definitive Actions-

- o None, preliminary question session only.

Information to be Submitted-

- o RAD or RDA application with formal plan and abutter notification.

Site Visit-

- o To be taken when plans are submitted and prior to 1/8/04 meeting.

Continuation-

- o A public hearing will be scheduled when the formal application is received.

PUBLIC HEARING – RDA –Eckhardt for garage construction at 25 Library Lane

D. Barnicle opened the public hearing, present was E. Eckhardt and Paul Dupres.

- o The SCC reviewed the plan.
- o A site visit had been taken. There were no issues or concerns regarding impact to the lake, the area is open, disturbed land.
- o No abutters objected or had comments.
- o The project for a garage addition on the opposite side of the home from the lake was approved by unanimous vote and a permit issued.

PUBLIC HEARING – NoI cont. – Jalbert Engineering for Griswold for septic system repair at 150 Podunk Road.

D. Barnicle opened the public hearing, present were J. Teachout and M. Griswold.

Submitted information-

- o A revised plan was submitted dated 12/3/03.

Topics Discussed -

- o Septic system is a replacement for a failed system.
- o The current system is in the water, this results in a significant net improvement for the resource.
- o The system as shown meets current regulation and bylaws.

Issues, Concerns, Comments –

- o The location while better is not ideal.
- o The removal of many trees will result in severe sheet flow down a steep bank.
- o The tank location was amended to accommodate a drive under garage and bathroom in the basement.
- o J. Teachout stated that due to Title 5 requirements for a 2:1 or 3:1 slope, a swale and check dams could not be added to control water flow down the slope.
- o She noted that the back of the drive could be bermed to control sheet flow from the top.
- o The land is very poor the perc rate was 60 min/inch.
- o J. Teachout noted that the system needed to be replaced soon as the home was on the market and required Title 5.

SCC Comments –

- o D. Barnicle confirmed that the berm off the drive would be used to direct and guide the flow appropriately.
- o He stated that he was still very concerned that the only source of dissipation for the flow to the wetland was being removed.
- o J. Hoffman agreed that while it would be nice to have the trees, the runoff was controllable.
- o D. Mitchell stated that a note should be added to the permit stating that all work must be done when frozen, dry or stable.
- o D. Barnicle asked for an explanation of why a drainage swale could not be incorporated.
- o The SCC noted that the grading was all the way to the property line. They noted emphatically that no alteration of surface water could be made. No water could be directed onto the neighboring property.
- o The erosion control barrier was discussed. A silt fence installed along the property line would need to be used or the neighbor contacted for permission to install it on their property.

Applicant Responses-

- o J. Teachout stated that a drainage swale could not be used because she would not be able to meet breakout regulations under Title 5.

Abutter Concerns –

- o None.

SCC Responses-

- o A permit cannot be issued until NHESP review and comment is received as the project proposed is located within estimated habitat area.

Proposed Actions-

- o Permit the project as proposed with conditions.
- o Hold any final decision or issuance of a permit until NHESP response is received.

Definitive Actions-

- o Motion- to approve with special conditions to submit plans which show measures to control surface flow, to prevent a change in water flow onto the neighboring property and for work to be done only during frozen or dry times. Said approval is based on no issues from NHESP. Should issues be brought up by NHESP this approval is automatically revoked. By D. Barnicle, J. Hoffman and D. Mitchell.
- o 2nd-E. Goodwin.

- o Discussion-N. Ryder noted to the applicant and representative that this approval was conditional based on NHESP response and not final. Understood.
- o Vote-All in favor.

Information to be Submitted-

- o Revised plans showing control measures for the increase in sheet flow due to tree removal. The plan should certify that no change in water flow will occur on the neighboring property and that all work must be done during frozen, dry or stable conditions.

Other Special Conditions-

- o See above.

Site Visit-

- o A site visit is required when erosion control is installed after revised plans have been submitted and approved.

Continuation-

- o To January 8 at 7:20 PM

PUBLIC HEARING – RDA – Jalbert Engineering for Spaho for septic repair and related at 109 Clarke Road.

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

Submitted information-

- o No new information was submitted.

Topics Discussed -

- o J. Teachout noted that the project was for a title 5 septic repair. She noted that the owner did not realize they were within jurisdictional buffer. The project had already been started and was finished except for final grading and stabilization.

Issues, Concerns, Comments –

- o The wetland boundaries were outlined.
- o J. Teachout noted that the delineation was incorrect across the street. She noted that she put in additional blue and white flags to indicate the correct delineation line.
- o All work is outside the 100-foot buffer.
- o There is no chance of impact to the wetland as it is upgradient of the work site.
- o The wetland down gradient is more than 200 feet away.

SCC Comments –

- o D. Mitchell asked why the site was not yet stabilized.

Applicant Responses-

- o J. Teachout said they could not until spring as nothing would take now.

Abutter Concerns –

- o None present.

SCC Responses-

- o D. Mitchell noted that a hay/mulch layer should be utilized to stabilize and control the exposed soil until plantings could be made.

Definitive Actions-

- o Motion- by E. Goodwin to approve the plan as submitted with a condition added that a layer of mulch or hay be added over all exposed soils to control erosion.
- o 2nd-D. Mitchell.
- o Discussion-None
- o Vote-All in favor.

Site Visit-

- o A site visit will be taken in early spring to verify stabilization measures.

Continuation-

- o Continued to 1/8/04 at 7:20 for closure and issuance of a permit.

PUBLIC HEARING – NoI cont. – Jalbert Engineering for Danta Builders for single family home demolition and reconstruction at 55 Bennetts Road.

D. Barnicle opened the hearing, a site visit is still needed, the hearing was continued with the permission of J. Teachout to 1/8/04 at 7:15 PM.

PUBLIC MEETING – Review of documents relating to the OoC for Mass Pike, Cedar Street.

D. Barnicle opened the meeting. The applicant did not receive the permit until 12/9 and requested a continuation for submittal of detail plans. As the project is a safety issue for snowplows and the Mass Pike. The SCC agreed that as soon as detail plans were submitted, they would review them for compliance with the OoC rather than wait until 1/8. No continuation is required however, no work may commence until the detail plans are received and reviewed by the SCC.

PUBLIC HEARING – RAD (delineation)– Para for Cournoyer for 246 Fiske Hill Road.

D. Barnicle opened the public hearing, present were R. Para, L. George, A. Szumilas, and C. Sylvestri.

Submitted information-

- o No new information.

Topics Discussed -

- o The stream shown on the plan as intermittent is perennial and must be reflected as such on any future plans. Any delineation approval given will state this.

Issues, Concerns, Comments –

- o R. Para requested that the issue of perennial vs. intermittent be held open until work is proposed. At that point he will offer proof of intermittency.

SCC Comments –

- o The SCC noted that it had already been determined to be perennial in an earlier hearing this year. This finding had not been overturned by DEP during a request for superceding order. The stream was perennial, the classification would hold.

Applicant Responses-

- o R. Para asked for the right to challenge the data and overturn the finding at a later date with concurrence of DEP.
- o He noted that the plans would be adjusted to reflect the current classification.

Abutter Concerns –

- o C. Sylvestri noted that he had not received abutter notification until 12/11. He noted that the application file date had a byline, which stated that the applicant had notified abutters prior to submittal to DEP and SCC. He expressed concern that the applicant had filed a fraudulent application. He noted that the applicant should read all the print and not sign until abutters had been notified.
- o He expressed concern that this had happened previously and that abutters had not been notified in all cases.

SCC Responses-

- o The SCC reviewed the application and agreed that the statement was there. However the SCC had also instituted a separate Notification to Abutters form, which was signed on the correct notification date.
- o N. Ryder showed C. Sylvestri the application check form, noting that applicants had to be notified properly or applicants were notified prior to the public hearing. She noted that there were no set specific number of dates specified by the state for notification, the SCC had set the timing at one week prior to the hearing date. The applicant had proof of mailing.
- o N. Ryder noted that when she had revised the forms, she had missed the conflicting notification statements. Apparently so had all the applicants and abutters until now. As a separate formal affidavit was also included in the application packet, she felt the applicants had just never noted the byline.
- o The forms are being revised for January 1st implementation. She noted that she would correct the discrepancy in that revision.
- o While the statement was conflicting, she noted that she did not believe it was intended to be misleading.

Definitive Actions-

- o Motion- to close and approve the delineation noting the stream as perennial and notifying the applicant to consider long term planning as self-imposed hardships would not be tolerated. By D. Barnicle.
- o 2nd-D. Mitchell.
- o Discussion-no additional.
- o Vote-All in favor.

PUBLIC MEETING – Review of OoC's issued for lots 13, 14 McGilpin Road and for 97, lot 1 McGilpin Road.

Issue-

- o Lots 13/14 McGilpin Road –M. Judson attended.

Discussion, Concerns, Comments-

- o M. Judson submitted as-built plans showing the work to be no closer to the wetland to the west but within the 200-foot buffer to the wetland to the east. The site plan was reviewed.

- o A stonewall exists between the site and the resource area and prevents any potential for erosion into the resource area.
- o The plan was accepted as shown as an amendment to the files.
- o The erosion control barrier had been repaired. An additional site visit to confirm will be made by N. Ryder.
- o N. Ryder noted that the 25 foot vegetated buffer had been removed in front of the garage as amended not as approved originally. She noted that Federal Phase II required no sediments to travel from construction sites. M. Judson stated he would check. The SCC will drive by and check also.

Issue-

- o 97 McGilpin Road- D. Flynn attended to review

Discussion, Concerns, Comments

- o D. Flynn noted that he had received the EO and had stopped all work.
- o He stated that the erosion control barrier had been corrected and mulch and seed put down to stabilize the disturbed soils within the 25-foot no-disturb buffer.
- o D. Barnicle, E. Goodwin and D. Flynn discussed the purpose of a 25-foot buffer and the reason for requiring remediation when it was disturbed. It was noted that the roots had not been disturbed and regrowth from the root structures was expected in the spring.
- o An additional site visit is needed with the SCC and developer on site to make sure that everyone is in agreement with what needs to be done and with where the buffers are.
- o Site visit scheduled for 12/20.

PUBLIC HEARING – NoI – Trifone Design Associates for Daniel Matte for addition to an existing commercial building and related site work, 139 Main Street.

D. Barnicle opened the public hearing, present were D. Matte, A. Trifone and C. George.

Submitted information-

- o A revised site plan dated 11/12/03 showing storm water controls.

Topics Discussed -

- o Revised storm water detail. The SCC was not familiar with the system shown. The company website was checked for detail. Additional detail sheets will be submitted to the SCC. The SCC unanimously felt that 2 catch basins needed to be utilized rather than one. The system as shown includes oil/water separators, deep sump catch basins. The system incorporates a diffuser/separator. A filter/trench is included inside the actual sump.
- o The maintenance plan included in the NoI was reviewed.

Issues, Concerns, Comments –

- o Total existing impervious is 27,375. Proposed impervious is 32,306. Both exclude ledge. There will be a 10% increase in impervious.
- o There will be a slight decrease in rate of flow to the wetland. The post construction discharge will be controlled and slower.
- o The SCC discussed the increased flow and wetland flooding due to the Fairview Road lots.

SCC Comments –

- o E. Goodwin confirmed the entire site was within the 200-foot buffer.
- o D. Mitchell and D. Barnicle both noted that a stone filter was not the best way to trap oil.
- o D. Barnicle questioned what will happen to the volatiles without baffling.
- o D. Barnicle stated that pre and post numbers would need to be submitted.

- o D. Mitchell questioned where snow removal storage areas would be located.
- o E. Goodwin stated that his main concern was water quality leaving the site. The entire site is either disturbed or impervious now. He did not feel there would be any chance of erosion from the site.
- o D. Barnicle stated that any water and sediments on the site now, had to remain on site.
- o D. Mitchell noted that a site visit was needed and asked if the site was marked and flagged.
- o J. Hoffman stated that if the entire parking lot was being torn up anyhow, the addition of a second catch basin and shifting of the drains would not be unreasonable. He stated that having the entire site flow be dependent on one catch basin was not a good idea. If it gets covered over by leaves or ice the water will receive no treatment and will sheet flow across 131 into the wetland. There needs to be 2 catch basins.

Applicant Responses-

- o Additional information on the bay saver system will be submitted.
- o Snow storage will be in the back right corner from 131.
- o The water on site currently flows to the wetland across 131, it does not remain on site, there is nowhere for it to go.
- o A second system can be looked at during the site visit. A. Trifone felt the SCC would concur that it was not necessary.

Abutter Concerns –

- o None.

Definitive Actions-

- o None at this time, site visit is needed.

Information to be Submitted-

- o Bay Saver specifications.
- o Calculations need to be corrected to account for removal of the French drain on the plan.

Site Visit-

- o A site visit to review whether rock chipping can commence will be held on 12/12 at 8:00 AM.
- o A site visit to review the entire submitted plan and water quality issues is scheduled for 12/20 at 7:00 AM.

Continuation-

- o Continued to 1/8/04 at 10:00 PM.

PUBLIC HEARING –New Forestry Application Review –

- o Route 15 site for Moriarty to be site visited by D. Barnicle.
- o South Road for Mogavero - ????

NEW BUSINESS

Tabled to 1/8/04 meeting.

OLD BUSINESS

- o 388 New Boston Road needs to be revisited. C. Yorzyk reported additional erosion in the road from the last rainstorm. A. Cormier Jr. stated, in a phone conversation with N. Ryder, that a truck had gone off the road and cut a channel in the swale. The problem was being repaired. The entire drive will be traprocked to prevent additional erosion issues. A written report will be submitted to SCC for 1/8. N. Ryder reported that while the site had erosion issues, there did not appear to be any

sediments in the wetland or streams down gradient or across New Boston Road. She noted that after the previous site visit, A. Cormier had stated that he had repaired the erosion controls and the site was now stable. Based on the recent calls, however, a site visit recheck is in order.

OTHER BUSINESS

Tabled to 1/8/04 meeting.

LETTER PERMITS/AMENDMENTS

- o D. J. Kaitbenski requested an extension for the T. J. O'Briens project permit. The SCC noted that the project improved the site conditions. Even though it still does not meet regulations, the project site is pre-existing disturbance. A temporary extension to January 8, is granted so the SCC can discuss the project site, lot lines and pipeline location with D. Kaitbenski. Meeting to be scheduled for 7:00 PM.
- o Guerriere and Halnon requested an amendment to the existing permit for #40, lot 29 Tannery Road. The home will be raised 5 feet but will be further from the resource area. The SCC noted that raising the home 5 feet without a change in grade may require the use of parachutes to leave the home. At any rate, watch that first step!

CERTIFICATES OF COMPLIANCE

Tabled to 1/8/04

Motion to close 11:45 PM, by unanimous vote.