

STURBRIDGE CONSERVATION COMMISSION
Minutes for Thursday, January 8, 2004

MEMBERS PRESENT

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

7:00 PM

MINOR WALK IN REQUESTS

D. Kaitbenski for T.J. O’Briens for a one year extension to an approved project.

- o The SCC reviewed the original project approved with D. Kaitbenski
- o All riverfront issues were reviewed.
- o Property boundaries were confirmed as the project originally proposed crossed two properties.
- o Snow plow concerns were addressed.
- o While the site is still not in compliance, it is pre-existing and results in better conditions for the river than exist now.
- o The erosion control barrier, solid along the length of the river was reviewed.
- o T O’Brien will inspect daily during construction.
- o The area will not be repaved, a topcoat will be added to what’s there.
- o The extension for one year was approved by unanimous vote.

DISCUSSION OF NEW INFORMATION

Tabled.

REVIEW OF SITE VISITS

- o 139 Main – No issues, request for additional catch basins and snow storage
- o 97 McGilpin – Site walked with M. Sosik, D. Flynn and contractor. Issues discussed in detail, driveway to be moved out of buffer to approximately 30 foot buffer. Site visit to be taken again when grading is complete.
- o Sanctuary – Issues with erosion control and piping of surface water past detention basins. T. Moss sent reply letter addressed erosion control and corrected pipe placement.
- o 55 Bennetts – Issues with the bank to the lake, the work area is tight, the entire site will be disturbed. The project is permissible but needs conditions to protect the lake and BVW.
- o 388 New Boston- Site erosion control in disrepair again. A. Cormier Sr. sent a reply letter noting that all work was being done or completed. N. Ryder will take a follow up site visit
- o 279 Holland – The site is not as shown on the plan.

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

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

Submitted information-

- o Revised plan dated 1/8/04, #03872.

Topics Discussed -

- o Complete demolition and reconstruction of the site between Leadmine Lake and a large BVW.

Issues, Concerns, Comments –

- o Double row of haybales is needed at the top and base of the slope to the lake.
- o The haybale line behind the septic area is moved closer in.

- o As the work comes right to the limits of the buffer zones, dialing monitoring will be required during construction.
- o The patio must be constructed of porous pavers to be approved prior to the start of work by the SCC.
- o Notes 1&2 on the plan were reviewed and noted.
- o The septic system grading is partly into the ROW on Bennetts Road but has been approved by both BoH and ZBA. It is not an SCC issue.
- o 25 foot buffer starts at the top of slope. All disturbances within the buffer must be mitigated via plantings at a ratio of 2:1. The plan must be presented to the SCC for review and approval prior to the start of work.
- o Biodegradable mats are to be used on the slopes to help stabilize the bank from the large tree removal at the top of bank.
- o Due to sensitivity of the work area and the high likelihood that the lake will suffer adverse impact if the erosion control and mitigation measures fail, the site must be inspected twice weekly on Tuesday and Friday during the construction phase by a qualified environmental professional. Weekly reports are to be submitted to the SCC.
- o Timing for start is March or April.

SCC Comments –

- o D. Mitchell noted that that roots running shallow near the edge of bank to the lake might indicate ledge.

Applicant Responses-

- o J. Teachout noted that ledge was not noted near the house, large rocks were, but ledge is definitely located near the septic system area.

Abutter Concerns –

- o None present.

Definitive Actions-

- o Motion- by D. Mitchell to close the hearing and approve the plan as amended and conditioned.
- o 2nd- J. Hoffman
- o Discussion- no additional
- o Vote-All in favor.

Information to be submitted for review and approval -

- o Planting plan for mitigation
- o Information on the porous pavers for the patio.

Other Special Conditions-

- o Double row of haybales at the top and base of the slope to the lake.
- o Daily monitoring will be required during construction.
- o The patio must be constructed of porous pavers to be approved prior to the start of work by the SCC.
- o All disturbances within the buffer must be mitigated via plantings at a ratio of 2:1. The plan must be presented to the SCC for review and approval prior to the start of work.
- o Biodegradable mats are to be used on the slopes to help stabilize the bank from the large tree removal at the top of bank.

- o The site must be inspected twice weekly on Tuesday and Friday during the construction phase by a qualified environmental professional.
- o Weekly reports are to be submitted to the SCC.

Site Visit-

- o Prior to the start of work when erosion control is in place.
- o Twice weekly by an environmental expert.

Continuation-

- o To January 22 for review of the draft permit and signatures.

PUBLIC HEARINGS - continuations for closure, review, amendment and signing of OoC's and DoA's Including 109 Clarke Road –

- o The landowner had conducted the project without a permit. The site is in violation for work conducted without a valid permit. An enforcement order was issued. Site issues are to be resolved on or before 1/22/04.

150 Podunk Road

- o The SCC noted that the BoH had no issue with swales along side the leachfield area for the septic repair. Plans were revised in the office as shown in red. Swales are to be lined with riprap. Formal revised plans are to be submitted prior to the start of work. Project approved as amended by unanimous vote.

PUBLIC HEARING – NoI cont. – Jalbert Engineering for driveway installation at 279 Holland Road.

D. Barnicle opened the public hearing, present was J. Teachout, and Claire and Edward Stover.

Submitted information-

- o Revised plan #03895, dated 1/8/04.

Topics Discussed -

- o Proposal for a driveway to access a single family home lot.

Issues, Concerns, Comments –

- o J. Teachout noted that the revised plan showed the two separate lot lines.
- o The proposal currently before the Commission was for the driveway for the lot adjacent to the pond only.
- o Kimball owned both parcels of land.
- o In order to get the right frontage for two lots and a long driveway back to the upland on the property the long driveway and headwall must be in the 25 foot no disturb buffer to the stream and pond/BVW.
- o The driveway is within the 25 foot buffer to a stream and Pond/BVW, the back of the lot can not be accessed any other way.

SCC Comments –

- o E. Goodwin noted that the same person owned both lots and could re-divide the lot lines as he wished or combine them. The land under conservation review is considered one parcel, no hardship exists which requires the driveway to be within the no disturb or no structure buffer to the stream or wetland.

- o N. Ryder noted that the area shown as wetland/pond is shown as a potential vernal pool on the NHESP maps. As such a study must be conducted to determine whether it is or not prior to any disturbance occurring within 100 feet of the pond.
- o In addition the area shown as a drainage culvert on the plan is an intermittent stream on the USGS Topo map. The headwall for the driveway is directly in the stream.
- o E. Goodwin stated that as the proposal is for new construction and no hardship exists, no waivers should be granted.
- o J. Hoffman stated that the regulations say no disturbance within the 25 foot buffer and no structure within the 50 foot buffer. He noted that he did not see a hardship.
- o E. Goodwin noted that one house on the property with the pond, stream and BVW was reasonable use.

Abutter Concerns –

- o The abutters noted that they were concerned with the homes on the Holland line off Deyo Drive being built in Sturbridge near wetlands with no SCC permit. N. Ryder will take a site visit to see if the home is in Sturbridge or Holland.

Definitive Actions-

- o Motion- by E. Goodwin to deny the project as proposed. No waivers will be granted for this project as it is new construction and no hardship exists.
- o 2nd-D. Mitchell
- o Discussion-No additional
- o Vote-All in favor

Continuation-

- o To January 22, 2004 at 7:25 to close and issue the denial.

PUBLIC HEARING – NoI cont. – Jalbert Engineering for Babineau for carwash construction and related at 165 Charlton Road.

D. Barnicle opened the hearing. Present was J. Teachout.

- o A request for a continuation was made to February 19 at 7:30 PM. Granted by unanimous vote.

PUBLIC MEETING – JCJ for site plan review and discussion regarding land pka 168 New Boston Road. nka 172 – 180 New Boston Road.

D. Barnicle opened the meeting, present were Jason Haynes, Jack Holbrook and Ralph Romano.

Topics Discussed -

- o The SCC reviewed the approved plans with the attendees. The focus was on the mitigation plantings in the front yards along New Boston Road.

Issues, Concerns, Comments –

- o Violation of the 25 foot no disturb buffer.
- o Stone wall repair.
- o Mitigation plantings as approved and conditioned must be planted.
- o As built grades in the front yards do not correspond to the approved plans.
- o Boulders dumped along the front bank do not belong there and must be removed
- o Large stone on banks in place of mitigation plantings must be removed.

- o The fence installed encroaches on protected riverfront resource area and must be moved. It is in violation of conditions 27, 26, 25, of the OoC.

Applicant Comments –

- o J. Haynes noted that there were issues with the driveways, runoff was flowing into the road and freezing. N. Ryder had requested that they meet with G. Morse to correct the problem and construct the driveway as shown on the final plan with berms at the base. This had been done.
- o He noted that the pile of boulders was there.
- o J. Holbrook noted that the stone walls had not been disturbed, some needed straightening up, but they were in place.
- o J. Haynes stated that all plantings would be done in the spring, stones would be removed to accommodate plantings, but had been used in place of the retaining walls called for in the original plans due to change in grade from the approved.
- o He stated that as soon as they could in the spring they would bring the site into conformance.

SCC Comments –

- o N. Ryder showed photos of the site before construction, there were no boulders they will be removed.
- o The applicants reviewed before and after photos, and confirmed boundary locations and slopes and locations of stone walls. The areas, which have been disturbed, will be repaired.
- o D. Barnicle noted that they would not be able to plant the mitigation plantings in the pile of stone on the hill.
- o D. Barnicle confirmed that all issues would come into compliance in the spring when the ground was workable. Yes.

Site Visit-

- o A site visit will be arranged with the SCC and the landscaper in the spring to review exactly what needed to be done.

PUBLIC MEETING – OoC review - LA Sugrue for 51 Holland Road cont.

L. A. Sugrue requested a continuation to 1/22 due to difficulty getting results from the lab. Granted to 1/22 at 8:50 PM.

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

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

D. Barnicle opened the public hearing, present were Atty M. Donahue, W. Swiacki, M. Marcus.

****Topic Discussed**

- o ****Introduction****

Submitted Information –

- o Plan 01-1924b, date 12/23/03.

Issues, Concerns, Comments –

- o M. Marcus summarized that at the end of the previous meeting W. Swiacki had made a decision to resurrect the project by amending it to include Turners Lane only.
- o There will be no BVW alteration.

- o A small culvert under an intermittent stream is proposed to access lot 5.
- o The mitigation swale will be kept in place for future “Bank Replication Banking” with the approval of the SCC.
- o The intention is to pull Woods Road, the through road from the table.
- o Intent is to also go back to the other boards and salvage parts of the plan, a significant change will be made but the applicant does not know yet what that will be.
- o M. Marcus noted that there were 2 NoI’s filed, 506 for infrastructure and 517 for the house lots.
- o He noted that he was asking the SCC to approve of the Turner Lane roadway and 7 lots under 2 file numbers.

SCC Comments –

- o E. Goodwin asked if there was any open space included with the possible amendment.
- o N. Ryder noted that A. Allen, in his final review had suggested a permanent demarcation of the 25-foot no-buffer using boulders.
- o D. Mitchell questioned what the applicant meant by “banking, bank-replication”. He noted that this was a new concept, which would need to be thought out. He noted that since replication needed to be done within the similar location with similar groundwater and surface elevation as that altered.
- o D. Barnicle asked if all the water on site would be handled on site.

Applicant Responses-

- o No open space is included. The limit of clearing will be maintained and the rest is not proposed to be used, but it will also not be protected as open space.
- o M. Marcus noted that as bank replication was not required based on the Turner Lane cul-de-sac only, but the replication was part of that project area, the Commission could consider the replication toward future mitigation needs on site.
- o W. Swiacki noted that he had only thought of the replication banking in terms of the immediate area.
- o M. Marcus noted that all water would be handled on site. All water from the 500 foot cul-de-sac, the 400 foot swale and the home lots would drain into the detention basin.
- o W. Swiacki noted that the planting schedule for the detention basin was on the plan.

**Topic Discussed -

- o **Whittemore Woods Through Road Amendment, Formal Submittal**
- o Formal withdrawal of the through road aspect of the Whittemore Woods filing.

Submitted information-

- o At the end of this discussion a letter was submitted deleting the through road from the submittal and amending the plan to include only Turner Lane and the 7 associated house lots. Letter dated January 8, 2004, signed by M. Marcus.

SCC Issues, Concerns, Comments –

- o J. Hoffman noted that he would not discuss or act on an amendment until it had been formally submitted.
- o He noted to the Commission that from a process standpoint, he was opposed to the SCC making a motion or taking a straw-poll (??sp) on a plan that has not been submitted.
- o He noted that at the end of the previous meeting, the applicants had given the SCC the clear impression that they would be amending the NoI for this nights meeting. He noted that he saw no amendment.

Applicant Responses -

- o M. Marcus noted that there was no guarantee that the SCC would accept the Turner's Lane portion of the project only.
- o W. Swiacki will withdraw the remainder of the application (the through road and associated lots) if the SCC approves the Turners Lane aspect.
- o M. Marcus noted that the applicant wished to reserve the right to appeal the entire project if the amended portion is denied.
- o W. Swiacki noted that if the SCC says that they are willing to approve the concept with the understanding that some details may still need to be discussed he would categorically withdraw the through road portion.
- o M. Marcus noted that the SCC had already seen the plan for over a year, it was not new. The part being presented was a scaled down part of the whole and has been consistently presented all along.
- o W. Swiacki noted that the comments were all on the plan.
- o W. Swiacki stated that he understood the SCC had the right to approve any portion of a plan they wished without approving the entire plan.
- o W. Swiacki noted that if he amended the plan and it was then denied, he would not consider himself fairly treated.
- o

Consultant Comments –

- o Not present at the request of the applicant with the concurrence of the SCC.

SCC Comments –

- o J. Hoffman stated that the SCC could not guarantee they would approve a project before it was formally submitted and before going through detailed review. He added that would not happen until the proposal was formally submitted. The project as stands in the entire Whittemore Subdivision, which through formal action of the SCC will not be approved as presented.
- o D. Barnicle noted that the applicant had an odd way of asking the SCC to consider an amendment and modification without putting it in writing.
- o D. Barnicle noted that the majority of the Commission did not have any major issues with the Turner Lane part of the plan in the past.
- o N. Ryder noted that early on in the public hearing process, the issues of work within the 25 and 50 foot buffer zones had been noted as minor issues but had not been revisited yet due to larger through road issues.
- o Just because they had been put aside to discuss the larger issues, did not mean they were not relevant now that the review was at this point.
- o N. Ryder stated that this was still new construction which violated both the 25-foot no disturb buffer and the 50-foot no structure buffer. The applicant had requested waivers, the issues should be discussed but not just written off.

Applicant Responses-

- o M. Marcus noted that the applicant could reference only the plan submitted earlier. He noted that the OoC amendment would include just what was shown.

Abutter Concerns –

- o None present.

Definitive Actions-

- o W. Swiacki and M. Marcus submitted a formal letter withdrawing the through road aspect of the subdivision dated 1/8/04.
- o J. Hoffman noted that the letter addressed his concern that if the SCC approved the Turner Lane version only, the applicant could then appeal the decision based on a partial approval of a larger plan without valid reason.
- o W. Swiacki noted that he would not have done that but understood how it could be perceived that way.
- o The SCC unanimously voted to accept the formal amendment.

Turners Lane Amendment Issues

Topics Discussed -

- o Bank replication - Banking

Issues, Concerns, Comments –

- o D. Mitchell noted that if the replication was considered an independent part of the proposal, the SCC would need a formal letter requesting that the specific limits and dimensions of the bank to be replicated be held for future consideration.

Applicant Comments –

- o M. Marcus confirmed that D. Mitchell meant the amount and type of bank, specific details with a note that “This may be considered for future bank replication”
- o W. Swiacki noted that no replication required to alter 20 feet of bank, he was providing 400 feet.
- o M. Marcus noted that bank was expensive to build when it may or may not be appropriate for future credit.
- o M. Marcus suggested that in any OoC issued, a note could be added stating that the 400 feet of banking may be used for future mitigation.

SCC Comments –

- o D. Mitchell noted that bank replication had to be in-kind and in a similar location. Bank replication may not be needed in any future plans.
- o A Commissioner noted that even if they had bank, banked, the SCC may not approve future stream disturbance anyhow. It would be based on proof of no-adverse impact combined with reasonable overall use. Banking now did not guarantee approval for disturbance later.
- o N. Ryder noted that under the WPA no replication was needed for the disturbance but under town wetland bylaw, 2:1 mitigation was required.
- o D. Mitchell noted that he did not know yet what proper procedure was, but his feelings on the subject were positive. He noted that the SCC could consider the request on a case by case basis until some type of policy for banking was adopted.
- o D. Barnicle agreed that he liked the banking issue even though the SCC did not have a policy on it yet.
- o D. Mitchell noted that for bank to be banked officially it must have succeeded and be documented.

Applicant Responses-

- o Atty Donohue stated that he would submit a letter asking for the bank mitigation to be banked, either way it was part of the submitted amended plan and would stay on it.

*Topics Discussed -

- o Compliance with SCC wetland bylaw regulations.

*Issues, Concerns, Comments –

- o J. Hoffman questioned if there was any driveways in the 50-foot buffer. He noted that a paved driveway was considered structure.
- o J. Hoffman stated that pavement within the 50-foot buffer had been an issue early on but had not been resolved due to the bigger issues.
- o D. Barnicle asked if the drainage calculations included black top surfaces as shown.
- o E. Goodwin asked what the red lines were shown around the homes.

*Applicant responses –

- o The applicants and SCC discussed the 25-foot no-disturb buffer, the 50-foot no-structure buffer and the location of paved driveways and cul-de-sac disturbance areas shown on the plans.
- o The calculations include the site as shown.
- o W. Swiacki noted that the red lines showed the maximum limits of deck and other impervious footprint for the homes.

*SCC Comments –

- o E. Goodwin noted that four of the seven lots appeared to have no issues.
- o He requested the SCC approve those as shown and focus on the three lots which had issues.
- o SCC agreed unanimously that there were no issues on lots 1, 2, 6, 7.
- o E. Goodwin reviewed the remaining 3 driveways and noted that the impacts on all the lots could be lessened by moving the driveways in front of the house.

*Applicant Responses-

- o Lot 4 – The driveway can be put in the larger area and can approach the house from the front keeping the driveway outside the 50 foot buffer. Moving the driveway would result in additional disturbance to the stone wall which was targeted for preservation.
- o Lot 5 – The driveway location can be moved but would result in some blasting due to ledge.
- o Lot 3 – The driveway is down gradient from the wetland.
- o The Turner Lane cul-de-sac is paved to the 25 foot wetland buffer with some grading with in the 25 foot buffer. M. Marcus noted that it could not be moved without the entire road being redesigned due to DPW and PB issues.
- o W. Swiacki noted that the road was bermed all the way around and all runoff will be channeled.
- o M. Marcus stated that the drainage system was designed so 100% of the runoff goes through the drainage structure and into the detention basin.

*SCC Responses-

- o J. Hoffman noted that again the SCC was being asked to give all the waivers so Planning received a waiverless plan.
- o J. Hoffman noted that the SCC had to be fair to all applicants. Many other people had been required to move projects to meet the regulation buffers and had done so. Waivers to the buffers have only been given in extreme situations and only when there were no other alternatives. New construction had never been granted a waiver.

- o N. Ryder noted that with very minimal effort, the driveways could be moved out of the 50 foot buffer or could utilize porous material.
- o J. Hoffman noted that it was not the SCC job to act as the applicant's agent. Specific waivers, reasons to justify the request and plans for mitigation must clearly be included in any proposal.

*Applicant responses –

- o W. Swiacki noted that he understood it was an issue of precedence and asked the SCC to consider that the project before them was very large, not a single family home project. It had been under design far before the SCC had considered or adopted regulations. He agreed that if it had not, there would be no reason not to meet the bylaw regulations. He asked for a waiver due to the enormous effort and energy that had already gone into the project, most of it prior to the adoption of the SCC regulations. He noted that the PB had already stated that they would not grant any waivers.

*Discussion -

- o W. Swiacki asked the SCC to identify what they meant as mitigation for Turner Lane. Would the bank replication be amenable. M. Marcus noted that the area was very flat, the work could likely be done outside the 25 foot buffer. W. Swiacki noted that the silt fence would still be within 25 feet. E. Goodwin and W. Swiacki discussed swinging the entire road downward. D. Barnicle stated that the applicant should look at the square footage to be disturbed, both in the 25 feet and the structure in the 50 feet. The applicant would then need to consider a 2:1 mitigation plan. He noted that many people come in with plans to intensely plant disturbed or open areas within 25 feet to a resource to enhance the areas immediately adjacent to wetlands. D. Mitchell and D. Barnicle noted that they would be open to mitigation plantings if that was the only waiver being requested.

*Final comments-

- o M. Marcus noted that he had hoped to close but noting that more issues needed to be addressed he asked for a continuation.
- o J. Hoffman asked N. Ryder to read the sections in the regulations relating to why the SCC protected the 25-foot and 50-foot buffers. Done.

Continuation –

- o January 22, 2004 at 7:50 PM.

**Other Discussion-

- o Atty Donohue discussed the Draper Woods covenant. Town counsel is interpreting the covenant as protected open space. The land is actually under a homeowner association with SCC having rights to enforce under a CR. The proposal will be modified to reflect this and resubmitted. D. Barnicle agreed that the SCC and Atty Donohue were in agreement.

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 was A. Trifone.

Submitted information-

- o Revised plans 03-2205 C, 1, 2, 3, 4 and erosion control plan. Revision date 1/8/04.

Topics Discussed -

- o The revised plan showed the additional catch basins requested during the site visit. There were 3 now there are 5.
- o Snow storage area was included.

Issues, Concerns, Comments –

- o No additional

Abutter Concerns –

- o None present.

Definitive Actions-

- o Motion- by D. Mitchell to approve the project as revised based on completion of requested information
- o 2nd- E. Goodwin
- o Discussion- no additional
- o Vote- All in favor.

PUBLIC HEARING – RDA – Waterman Design for Resource Area Delineation at 12 Wallace Road.

D. Barnicle opened the public hearing, present were Brian Waterman, Kristin Einberg, Richard Lawrence, Gary Treadwell, Lisa Mercier, Robert Trueman, Alice Martini, James Crowley.

Submitted information-

- o B. Waterman submitted a delineation plan dated 12/22/03.

Topics Discussed -

- o Delineation of resource areas on site.
- o No work proposed at this time.
- o N. Ryder noted that the hearing was for issues directly relating to the delineation of resource areas on site. She noted that several other public hearings would be taking place, which the abutters could and should attend to address concerns not covered under the current hearing.

Issues, Concerns, Comments –

- o B. Waterman outlined the resource area boundaries, stream, BVW, cattail swamp, 2 finger streams created by seeps from the bank and the discharges to the south..
- o He reviewed the town bylaw and state buffers including the 200 foot riverfront resource area buffer.
- o He noted that he was requesting a confirmation that the resource area lines were correctly shown on the plan and flagged in the field.
- o B. Waterman outlined for the abutters the specific area where proposed future development could take place. He noted the areas that could not be disturbed either because they were resource areas or protected buffer.

Consultant Comments –

- o None present

SCC Comments –

- o No concerns, the flags and buffer lines had been confirmed in the field prior to the hearing.

Abutter Concerns –

- o A. Martini requested and received verification of the areas which could not be built on due to various regulations. She noted that after the sewer pipes were installed, she experienced water flow problems in her yard and basement. (The SCC discussed area water drainage patterns and suggested she contact the BoS or Tighe and Bond to see if she could get the water issues repaired).
- o B. Truman asked how the landscape would be disturbed and what would happen to the water flow. He noted that he has never seen water in his basement and does not want to. He asked if the project would be tied to town water and sewer. He noted that the areas being protected were already protected as they could not be developed. He stated that the applicant was not doing the town any favors saying it was protecting 25- 30 acres as it was all wetland.
- o J. Crawley asked if an ENF would need to be filed. He noted that there were Great Blue Heron nesting in the lower areas. He stated that disturbing the buffer would disturb the habitat areas.

Applicant Responses-

- o B. Waterman noted that he appreciated the abutters concerns. He stated that he would arrange a time where he could sit down with the abutters informally and address all their concerns. He requested and received mailing addresses from those present who wished to meet with him to discuss concerns.
- o B. Waterman noted that the landscape in the area proposed for development was all scrub brush and open field.
- o B. Waterman noted that no flows would be altered from present conditions. Two drainage/retention basins are planned as well as catch basins. The first thing the engineers would do is look at where the water currently goes and proposed methods which maintain that. He noted that was still down the road and not currently ongoing.
- o Town water and sewer is present on 20, the applicant will try to tie into that. (It was noted to the abutters that this is a Board of Selectmen issue, they should attend those meetings for additional information).
- o B. Waterman noted that the disturbances on site would not likely exceed the thresholds which required filing of an ENF. (D. Barnicle explained to A. Martini that an ENF kicked the level of review up a notch to include state DEP review in addition to the other reviews)

SCC Responses-

- o D. Barnicle noted to the abutters that the SCC had reviewed the wetland flagging and the buffers. He noted that the top of slope in this case corresponds to the outer riparian buffer. He stated that any wetland habitat area would have a minimum 200 foot undisturbed buffer around it.
- o He noted that the SCC involvement in any project on this property would likely be minimal.

Definitive Actions-

- o Motion- to close and approve the delineation, by J. Hoffman
- o 2nd- E. Goodwin
- o Discussion-None
- o Vote- All in favor.

PUBLIC MEETING – Review of documents relating to the OoC for Mass Pike, Cedar Street.
The Mass Pike determined the project would not start until the next spring or summer. Final documents will be submitted prior to the start of work for review and approval.

PUBLIC HEARING –New Forestry Application Review –
Rte 15/ Bennetts Road –

- o D. Barnicle noted that a new plan from Roger Plourde for Route 15 had been reviewed.
- o He stated that there was no problem with the project as proposed. The crossing was not so much a crossing as a flooded cart path due to beaver activity.
- o He noted the cutting was not significant.
- o No new roads were planned all exist from previous property use.
- o Future cutting or use plans were politically motivated and the site would need to be carefully watched. The back portion of the property targeted for future cutting had a stream running through and a huge wetland.
- o Approved by unanimous vote.

Arnold Road –

- o D. Barnicle noted he had walked the site with G. King.
- o A huge development is planned on Arnold Road.
- o At least 6-7 percs have already been done, not necessarily by the town BoH.
- o The site was approved for cutting 3 years ago and is not under chapter 61.

CPA UPDATE

Tabled

MINUTES REVIEW

The minutes of 9/18, 10/2, 10/16, 10/30, 10/31, 11/19, 11/20, 12/11 and 1/7 were reviewed and approved as amended.

CORRESPONDENCE

Correspondence reviewed included;

- o Local emergency planning committee minutes
- o Senior Municipal service program letter to BoS
- o Misc email correspondence
- o Environmental reports for the Preserve from EcoTec.
- o QQLA 1/15 meeting notice
- o Mass Wildlife News
- o A letter to Marie Lee regarding the perennial stream in the center of 75 Westwood Drive.
- o Erosion Control Magazine
- o CEI information on Water Wars
- o A request for information on wetlands on 30 Whittemore Road adjacent to the Whittemore Woods subdivision parcel

NEW BUSINESS

- o Warrant articles for stormwater and erosion sedimentation control were discussed. Not enough progress was made over the past year to bring them to town vote this spring. They will be tabled until the next town meeting.
- o No capital requests are being made.
- o The final budget was reviewed.

- o The town wetland bylaw could use some minor house cleaning updates, these will be tabled until next year to see what additional changes MACC advocates.
- o Addressing the Dock permitting issues in town. Tabled until the SCC has conducted more research into state laws and local implementation.

OLD BUSINESS

- o A response from Escape Estates regarding 388 New Boston Road, lots 10, 11 was reviewed and approved. A site visit to confirm the corrections are in place will be taken by N. Ryder.

The following Old Business was tabled.

- o SCC sponsored training program on interpreting some of the WPA grey areas such as reasonable use, balancing environmental regulations with property use, etc.
- o St. Annes issue with filling the buffer to a wetland, several Maples are in danger.
- o Scenic Road bylaw, sponsoring road adoption.
- o MIAA risk management issues for conservation land.
- o Sturbridge Isle SWAP report.
- o Sturbridge Retirement Corp SWAP report
- o Correspondence with DEP Watershed Management regarding Mass Pike contamination into the North end of Cedar Lake.
- o Millyard Marketplace Site Maintenance Plan and Schedule.
- o Incompatibility issues with the Planning and Conservation laws and regulations

OTHER BUSINESS

Upcoming Training Programs and Seminars -

- o MACC Annual Conference course selection, 3/6/04.
- o Planning and Zoning sponsored Open Space and Community Planning Workshop Series to be held on 2/10, 3/9, 4/13, and 5/11.
- o Green Valley Institute Seminar on identifying and protecting aquifer resources 1/26/04.
- o Northeast Aquatic Plant management society Annual Conference notice for January 20 and 21.
- o AMWS workshop on appearing in court as an expert witness on 1/30/04
- o Building with trees seminar on 2/12/04 sponsored by the Arbor Day Foundation.

Board of Health Perc Test Sites –

- o 6 and 8 Vinton Road – approved
- o 32 Woodlawn, not approved
- o 218, 220, 222 Well drilling within 70 feet of a wetland with no permits. Work stopped by B. Lorkiewicz and M. Lev. The well driller called and stated he would notify the office that the work needed to be reviewed by SCC prior to work. No response from the company to date.

LETTER PERMITS

CERTIFICATES OF COMPLIANCE

Motion to close and adjourn at 11:30 PM, approved by unanimous vote.