

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, January 6, 2005

MEMBERS PRESENT

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

K. Doyle for minutes

7:00 PM

CPA UPDATE

- o E. Goodwin stated that there is no CPA update—no meeting has occurred since the last SCC hearing on 12/16/04.
- o E. Goodwin stated that on January 4, 2005 the Planning Board approved the Upland Bylaw. Also, the Planning Board rejected the re-zoning of the 30+ acre parcel situated adjacent to Fiske Hill Road and Route 20.

REVIEW OF MINUTES

- o J. Hoffman motioned to approve the 12/16/04 public hearing minutes. D. Mitchell second the motion. All in favor, unanimously approved. The 12/16/04 minutes will be posted on the Sturbridge web site for public viewing.

DISCUSSION OF NEW INFORMATION

- o Discussion of Hemlock Path (Lots 206, 206A and 208) Enforcement Order. SCC ratified Enforcement Order—all signatures obtained. L. Jalbert present for discussion, he was contact by property owner to initiate the permit application process. L. Jalbert waiting for signed contract/approve to begin Notice of Intent process.
- o Discussion of 209 Charlton Road—The Point. L. Jalbert and B. Williams present for discussion. L. Jalbert stated that hydro-engineer is not available on Saturdays for hydrologic testing. D. Mitchell states that the issue is whether there is sub-surface water flow and where is the water flowing. D. Mitchell recommends that the hydro-engineer submit a written report to the SCC on how he will evaluate the property—provide SCC with a discussion of methods and procedures to determine sub-surface water flow. J. Hoffman states not only should the report include methods but also include a narrative of reason. SCC agrees that B. Williams can discuss the engineering report at the 1/20/05 hearing during Other Business, if report is submitted to SCC prior to 1/20/05.

PUBLIC HEARING

Public Hearings opened at 7:25 PM

ANRAD—23 Hall Road, 24 acre delineation. Waterman Design Associates, Inc. for Robert Straus.
DEP File # 300-640

D. Barnicle opened the public hearing, present was B. Waterman representing applicant/property owner.

Applicant Comments –

- o B. Waterman discussed that a new plan needs to be submitted to the SCC with the correct wetland flag locations. Site walk with K. Doyle and B. Waterman took place on Tuesday 1/4/05 for wetland boundary review. A few flag locations were modified, new plan to show new flag locations.

Approved 2/3/05

- o B. Waterman went over site plan and existing conditions on property. Wetland Resource areas include Hobbs Brook with beaver activity and Riverfront Area (taken from MAHW), BVW, 100-year floodplain, intermittent streams and ACOE flood restriction.
- o B. Waterman discusses applicant's intent to change identification of a stream on property. A tributary to Hobbs Brook is shown as perennial on USGS, B. Waterman submitted photographs of the stream dry and a drainage basin analysis within the NOI application. Applicant wishes SCC to determine the stream to be intermittent.

SCC Comments –

- o D. Barnicle stated that the SCC does not need a site walk at this time since K. Doyle reviewed wetland flag locations.
- o K. Doyle questioned whether StreamStat application was ran on MassGIS. K. Doyle mentioned that the SCC's main concern should be the determination of the stream that shows perennial on USGS.
- o K. Doyle asked when original delineation took place on property.
- o D. Barnicle states that a revised plan showing current flag locations should be submitted to SCC prior to next hearing.

Applicant Responses-

- o B. Waterman stated that StreamStat application could not be run, multiple attempts but kept crashing computer.
- o B. Waterman stated that the original wetland delineation was in 2002. He reviewed the flag locations since then and made minor adjustments.
- o B. Waterman agreed to submit a revised plan prior to next hearing.

Abutter Concerns –

- o No abutters present

Information to be Submitted-

- o Revised site plan showing all current locations of wetland delineation flags (see above for details)

Continuation-

- o Project continued 1/20/05 at 7:40PM pending receipt of additional information from Applicant.

PUBLIC HEARING

NOI CONTINUED – Green Hill Engineering for K. Strum for existing single family home garage and driveway addition at 118 Arnold Road. DEP File # 300-644.

D. Barnicle opened the public hearing, present were M. Farrell with Green Hill Eng. and K. Strum.

Applicant Comments –

- o M. Farrell discussed new plan that was submitted to the SCC on 12/30/04. Driveway was situated out of the 25-foot no disturbance buffer zone as requested by the SCC. Erosion controls to consist of just hay bales. Erosion control location on plan was not modified when the driveway location changed.
- o K. Strum stated that the work should take place in the Spring

SCC Comments –

- o D. Barnicle questioned if the driveway location could be staked prior to construction.

Approved 2/3/05

- o D. Barnicle states that a revised plan showing the new erosion control location (limit of work) would be good.
- o D. Mitchell stated that the plan looks good otherwise.

Applicant Responses-

- o M. Farrell stated that the limit of the driveway will be staked and the erosion controls will be relocated out of the 25-foot no disturbance buffer zone.
- o M. Farrell revised plans will be submitted to the SCC prior to 1/20/05.

Abutter Concerns –

- o No abutters present

Continuation-

Project continued to 1/20/05 at 8:00PM pending receipt of revised plans from Applicant.

PUBLIC HEARING

NOI CONTINUED – Green Hill Engineering for DeRose for construction of single family house, septic and driveway at 117 McGilpin Road. DEP File # 300-645.

D. Barnicle opened the public hearing, present were M. Farrell with Green Hill Eng.

E. Goodwin recused himself due to conflict of interest with applicant.

Applicant Comments –

- o M. Farrell discussed new plan that was submitted to the SCC on 12/30/04. Driveway location revised to be out of BVW area, as requested by the SCC. Additionally, house location to be out of 100-foot buffer zone.

SCC Comments –

- o D. Barnicle stated the driveway relocation is a good thing because the BVW area was very wet, more wet than expected.
- o K. Doyle commented on location of erosion controls near the wetland, shouldn't the erosion control be at the limit of work for the length of the driveway.
- o J. Hoffman stated that the driveway will be gravel
- o D. Barnicle mentions that the area of the driveway is very flat, little sedimentation will be traveling.
- o D. Mitchell stated that the erosion controls should be extended at least until the driveway is out of the 50-foot buffer zone.

Applicant Responses-

- o M. Farrell states that the erosion controls will be silt fence, no hay bales. Concurred that it will be a gravel driveway. Can add more erosion controls and submit a revised plan by next hearing.

Abutter Concerns –

- o No abutters present

Continuation-

Project continued 1/20/05 at 8:20PM pending receipt of revised plans from Applicant.

PUBLIC HEARING

NOI CONTINUED – Para Land Surveying and Engineering for Le for single family home construction and driveway at 244 Fiske Hill Road. DEP File # 300-642.

D. Barnicle opened the public hearing, present were R. Para, Le, G. Hammond, P. Gentile, C. Silvestri, and A. Szumilas.

SCC Comments –

- o D. Barnicle mentions that the applicant did not submit any new material to the SCC since the 12/16/04 hearing. D. Barnicle reads over the 12/16/04 hearing minutes and states that the SCC did request additional information such as project plan revisions showing wetland delineation flag locations and J. Hoffman requested to see other board's (Planning Board) comments on the driveway location.
- o E. Goodwin states that the applicant is creating a hardship with a non-revised plan. The plan is unacceptable.

Applicant Comments –

- o R. Para stated that the lot lines on the plan have not changed since the original filing. There is no reason not to review what the applicant has submitted with the current NOI application. The SCC should review the project for what it is regardless of the previous filings.

SCC Comments –

- o D. Barnicle is concerned with all three parcels of land. The wetlands are present on all three parcels and if something is done on one parcel, the wetlands on the other parcels will be impacted.
- o E. Goodwin states that there is an issue with only one parcel being developed. The driveway will impact the other parcels and wetlands on the other parcels. The lot in question is part of a large piece containing multiple wetland resource areas. The plan as submitted can be better and provide better alternatives.
- o D. Barnicle states that he cannot allow the wetlands to be lost.
- o D. Mitchell states that the SCC has to look at the bigger picture and how the wetland will be impacted.
- o E. Goodwin states that he truly believes there are other alternatives such as using other parcels as a Right of Way.

Applicant Comments –

- o R. Para states that the SCC cannot think about the future and future development on the parcel. The only legal frontage to the property is what is proposed. The state has not granted a curb-cut to Route 20 or any other frontage rights.

SCC Comments –

- o E. Goodwin states that the alternatives are not exhausted. Wetlands will be impacted as currently proposed.
- o E. Goodwin makes a motion to reject the project plan as presented.
- o D. Barnicle seconds the motion to reject the plan.
- o All in favor: 4, All opposed: none
- o 4/0 reject plan as presented. Denial Order of Conditions.

PUBLIC HEARING

NOI CONTINUED – Para Land Surveying and Engineering for Alfred Davis for single family home construction and related at 265 Holland Road. DEP File # 300-643

Approved 2/3/05

D. Barnicle opened the public hearing, present were R. Para and A. Davis.

K. Doyle states that R. Para submitted to the SCC on 12/31/04 a letter report discussing the alternative analysis to the driveway crossing, as the SCC requested at the 12/18/04 site walk.

Applicant Comments –

- o R. Para states that no changes have been made to the project plan. His letter report submitted to the SCC included the ZBA's refusal to endorse the ANR plan (subdivision of land into two lots) and refusal to utilize the right-of-way off Holland Road.
- o R. Para stresses that the applicant wishes to build a house and access the house off Holland Road by means of the existing cart path that crosses a culvert. As part of the project, the culvert will be replaced.

SCC Comments –

- o D. Barnicle states that the culvert to be replaced is a shame. It is a beautiful, old stone culvert that seems to be functioning properly.
- o D. Barnicle states that the SCC reserves the right to seek alternatives to crossing the wetland resources area, BVW and bank to the stream. The SCC could write a request for a waiver to the ZBA's decision and the applicant could submit to the ZBA a common drive consideration. The SCC does not want to see the wetland altered if there are other alternatives. The wetland resource area and farm is pristine.
- o D. Mitchell questions who maintains the right-of-way off Holland Road.
- o D. Barnicle states that the current property owner does, whosever driveway it is.

Applicant Comments –

- o R. Para clarifies that the SCC would submit a letter of support to the ZBA for utilization of the right-of-way off Holland Road.

SCC Comments –

- o All SCC members agree to support the utilization of the right-of-way as the applicant's driveway. Usage of the right-of-way would involve no direct wetland alteration, whereas if the applicant were to access the property from Holland Road directly, a wetland crossing would occur.
- o D. Barnicle states that the SCC wants to protect the wetlands.
- o D. Barnicle requests that R. Para explain the two lot situation that was discussed in the 12/31/04 letter report. A 9-acre parcel and a 20-acre parcel.
- o E. Goodwin states that two lots would be difficult to get approved by ZBA.

Applicant Comments –

- o A. Davis states that he prefers two lots off the right-of-way but right now only 1 lot is proposed.

SCC Comments –

- o E. Goodwin states that part of the process would be getting the right-of-way/road brought up to code and contracts would need to be in place of who will maintain the right-of-way/road.
- o D. Barnicle states that the applicant needs to decide if he wants to go for a ZBA variance with SCC support.
- o D. Barnicle recommends continuing the hearing until the applicant makes a decision and submits alternatives. If the right-of-way is granted then it is a win/win situation.

Applicant Responses-

- o R. Para states that the applicant will think about requesting a variance from the ZBA and in the meantime, he will draft a plan with the right-of-way alternative for next hearing.

Approved 2/3/05

Abutter Concerns –

- o No abutters present

Information to be Submitted-

- o A draft plan with an alternative design of utilizing the right-of-way access off Holland Road.

Continuation-

- o Project continued until 1/20/05 at 8:40PM

PUBLIC HEARING

NOI CONTINUED – Jalbert Engineering for Steve’s Collision. DEP # 300-576

D. Barnicle opened the public hearing, present were L. Jalbert and S. Brunnele

Applicant Comments –

- o L. Jalbert stated that since the last hearing on 12/16/04, the site has been cleaned up.
- o S. Brunnele stated that the clean up is done, day by day the site is cleaned. The bankment was cleaned, the area around the two dumpsters.

SCC Comments –

- o D. Barnicle stated that the SCC is concerned with the two pipes flowing near the headwall, near the old access road. D. Barnicle also requested if the fencing was put in during the clean up.

Applicant Comments –

- o S. Brunnele states that he knows nothing about the pipes, it is nothing that he put in.
- o L. Jalbert states that it possibly could be a small stream and running through a culvert bisecting the property.
- o S. Brunnele states that he has not touched the area of the old access road, looks like the pipes were installed to be driven over. States that the pipes look to be coming off All Star Premium’s roof.

SCC Comments –

- o D. Barnicle states that it is not possible to just be roof run-off. D. Barnicle advises S. Brunnele to take a look in the area of the pipes.
- o D. Mitchell states that the pipes look to be about 2 years old. The water is directed off property, and not onto Steve’s Collision property.
- o D. Mitchell questions how the material on property will be contained. Metal and debris should not be stored on property.
- o D. Barnicle states that a berm could contain the liquid spills and fencing will contain debris.

Applicant Comments –

- o S. Brunnele states that metal is to be removed monthly. Right now it is removed about twice a year.
- o S. Brunnele states that a roll-off storage bin can be stored on property to collect debris etc.
- o L. Jalbert states that a berm with a fence can be installed that would also eliminate travel and parking of vehicles.
- o S. Brunnele states that it will be no problem to install a berm and fencing. He states that no major spills ever occur, but he can install a berm.

SCC Comments –

Approved 2/3/05

- o D. Barnicle states that a revised plan should be submitted to show the location of pipes and where the water is going to.
- o D. Mitchell states that the roll-off storage bin should be part of the Operation and Maintenance Plan.
- o D. Barnicle would like to see the location of the roll-off bin to be shown on the plans too.
- o D. Mitchell questions the locations of catch basins. D. Mitchell shows concern for spill containment and treatment. He recommends two catch basins to be installed.
- o D. Mitchell questions the area of the property and the number of catch basins to be installed.
- o D. Mitchell suggests tying the catch basins into the oil separator
- o J. Hoffman states that that drains into the town sewer, cannot tie catch basin into sewer.
- o D. Barnicle states that the berm will aid in the guidance of water to the separator.
- o D. Mitchell questions the number of cars stored on-site at one time

Applicant Comments –

- o S. Brunelle is concerned with the abutting property, he states that an existing swale spills over and there is sheet flow onto his property during large rain events.
- o L. Jalbert states that he believes one catch basin would be adequate.
- o S. Brunelle states that no more than 25 cars are onsite at one time.

SCC Comments –

- o D. Mitchell states that there should be more than one catch basin on site.
- o D. Barnicle states that if he subdivides the land, then the Phase II of the Stormwater Regulations must be met.

Applicant Comments –

- o S. Brunelle states that it makes sense to install a catch basin in the lower area of the property to receive all sheet flow.
- o

Continuation-

- o Project continued until 1/20/05 at 9:00PM pending receipt of revised plans from Applicant.

OLD BUSINESS

Tabled.

Old Business included:

- o Discussion of DEP File Number 300-554. 165 Charlton Road. Jalbert Engineering.
- o Update of 446 Main Street
- o Update of Hemlock Path Enforcement Order
- o Update of Windgate Project at 450 Main Street
- o DEP File # 300-636.
- o 186 New Boston Road
- o Lycott Environmental Inc. algae management on Cedar Lake

NEW BUSINESS

Tabled.

New Business included:

- o C. Barnhart and F. Damiano interested in becoming on SCC

Approved 2/3/05

- o MACC Conference class sign-ups
- o K. Doyle work hours

OTHER BUSINESS

Tabled

- o 1 Ladd Road. Drilling of well
- o Discussion of next months public hearing dates. February 3, 2005 and February 17, 2005. No D. Barnicle on March 3, 2005. D. Mitchell will be chairman of March 3, 2005 public hearings.

LETTER PERMITS

Tabled

- o 104 Stallion Hill Road, Escape Estates, Inc.

ORDER OF CONDITIONS

Tabled.

- o Sign DEP 300-625 Wondolowski.
- o Discuss finalizing DEP File Nos. 300-599—300-605. Allen Homestead
- o Discuss finalizing DEP File No. 300-583. Farquhar Road Condominiums.

CERTIFICATES OF COMPLIANCE

None at this time.

Motion to close, 11:22 PM, approved by unanimous vote.