

## **STURBRIDGE CONSERVATION COMMISSION**

### **Minutes for Thursday, March 31, 2005**

#### **MEMBERS PRESENT**

Board Members: D. Barnicle (Chair), D. Mitchell, J. Hoffman, E. Goodwin, F. Damiano

Associate Members: D. Grehl

K. Doyle for minutes

7:00 PM

#### **CPA UPDATE**

- o No update

#### **APPROVAL OF 3/17/05 HEARING MINUTES (10:15 PM)**

- o Brief discussion of the details included in the minutes. SCC discuss that only grammatical edits can be made to the minutes and/or specific edits to quotes. All in favor of accepting the 3/17/05 minutes as written with minor edits 5/0.

#### **DISCUSSION OF NEW INFORMATION / WALK INS**

- 1) T. Earls present to discuss with Commission the filing procedure for a subdivision of land and a single-family house off Leadmine Road. SCC states that a NOI is required because Riverfront Area is present.
- 2) A. Cormier from Escape Estates is present to discuss proposed Laurel Woods off Cedar Street.
  - K. Doyle briefs the SCC on the project. Work is within the 100 to 200 foot buffer zone to BVW.
  - A. Cormier states that the project is at 171 Cedar Street, a 9 lot subdivision, public sewer and private water.
  - SCC members briefly discuss their concerns with public sewer/private water. D. Barnicle states that with a private well, Sturbridge water leaves town. D. Mitchell prefers projects that maximize groundwater recharge.
  - E. Goodwin questions the size of the lots.
  - A. Cormier states that the lots are  $\frac{3}{4}$  acre lots.
  - A. Cormier questions whether he should file a RDA or a NOI with the SCC.
  - D. Barnicle makes a motion the A. Cormier files a NOI under the local bylaw. All SCC members agree.
- 3) L. Jalbert present to submit revised project plans for DEP File No. 300-626, 118 Clarke Road. K. Doyle states that she will draft a legal advertisement for the hearing to take place on 4/28/05.

#### **PUBLIC HEARING**

NOI for Single-family house addition at 310 The Trail. DEP File No. 300-654. Jalbert Engineering, Inc. representing the Ricci's.

D. Barnicle opened the public hearing, present was L. Jalbert representing the applicant. L. Jalbert submits abutter green cards and public notice to K. Doyle. K. Doyle starts the hearing by briefing the Commission on the project. K. Doyle visited the property on 3/29/05 and one of her concerns is the slope of the parcel to Big Alum Lake and the amount of earth moving activities proposed—erosion potential. L. Jalbert goes over project plans and proposed work.

SCC Comments—

Approved 5/12/05

- o D. Mitchell questions were the leach field is.
- o E. Goodwin states that the house size will be doubled.
- o D. Mitchell requests some specifics of the driveway location and the additional grading proposed.

Applicant Comments—

- o L. Jalbert states that the property has town sewer. He explains the excavation of the lot in addition to the house addition. The slope of the driveway needs to be altered so that the property owner can drive into the garage.

SCC Comments—

- o D. Grehl states that currently the driveway is sloping towards the house
- o D. Mitchell questions why the existing driveway needs to be re-aligned
- o F. Damiano states that a circular driveway is not necessary
- o E. Goodwin states that he needs to see the property. What is the percent coverage for the lot?
- o D. Barnicle questions if there is a proposal for a retaining wall?

Applicant Comments—

- o L. Jalbert states that the lot is 49,600 square feet. The slope will be seeded for stabilization. Erosion controls are proposed to help contain all erosion and sedimentation.

SCC Comments—

- o D. Mitchell would like to see the amount of excavation, the calcs for gravel removal. Also would like to see a construction sequence and some type of jute netting/geofabric for slope stabilization.
- o D. Barnicle makes a motion to continue the hearing for a site walk. All in favor of a continuance.

*Site Walk scheduled for Saturday 4/2/05. Hearing continued until 4/14/05 at 8:00 PM. Applicant representative agrees.*

No Abutters present.

To be submitted for next hearing:

- o Amount of earth to be removed, construction sequence and additional erosion measures for the slope.

**PUBLIC HEARING**

RDA for installation of deck at 493 Leadmine Road. SCC File No. 05-01. Applicant-Michael Maguire.

D. Barnicle opened the public hearing, present was M. Maguire as the applicant and property owner. M. Maguire submits abutter green cards and public notice to K. Doyle. K. Doyle starts the hearing by briefing the Commission on the project. K. Doyle states that she has no concerns with the project—a deck is proposed off an existing house approximately 90-feet from Leadmine Pond. A NOI was granted for the septic system installation (DEP File No. 300-611) and the applicant has filed a RDA requesting that the Commission approve the deck work without the filing of a NOI. M. Maquire briefs the Commission on the proposed deck installation.

SCC Comments—

- o D. Mitchell questions if fresh erosion controls are to be added.
- o E. Goodwin questions what is to be beneath the deck
- o D. Barnicle states that rain may cause erosion under the deck.

Approved 5/12/05

- o K. Doyle questions how long the construction of the deck should take? Work is to be done by hand, no big machinery.
- o D. Barnicle states that haybales should be used during construction and then can be removed once stabilized.

Applicant Comments—

- o M. Maguire states that he has no problem with putting clean stone beneath the deck. Also, he will remove the erosion controls once the work is complete. The construction shouldn't last more than a week or so.

SCC Comments—

- o D. Barnicle makes a motion to close the hearing and issue a Negative Determination with minor conditions for the addition of the stone and removal of erosion controls once work is complete. F. Damiano seconds the motion. All in favor: 5/0.

*Hearing closed, Negative Determination to be issued. Applicant agrees.*

### **PUBLIC HEARING**

NOI for construction of a single-family house at 249 Walker Road. DEP File No. 300-655. Para Land Surveying, Inc. representing the Lemay's.

D. Barnicle opened the public hearing, present were R. Para representing the applicant, the Lemay's, and an abutter E. Hawkins. R. Para submits abutter green cards and public notice to K. Doyle, also revised project plans were submitted. K. Doyle starts the hearing by briefing the Commission on the project. K. Doyle visited the property on 3/30/05 and multiple wetland delineation flags were relocated. The single-family house/driveway is proposed approximately 56-feet from the BVW edge.

SCC Comments—

- o E. Goodwin questions why the house is to be located immediately next to the wetlands when the property is much larger.
- o F. Damiano asks what prevents the applicant from moving out of the 100-ft buffer zone to the wetlands?

Applicant Comments—

- o R. Para states that the property owner has the right to subdivide the land and is allowed to build within the 100-foot buffer zone. At the present time, this is where the property owner wants to build the house.

SCC Comments—

- o D. Mitchell states that the limit of disturbance is not shown.
- o D. Grehl states that the land slopes down towards the wetland area. The driveway location is a concern for runoff into the wetland.

Applicant Comments—

- o R. Para states that the erosion control line is the limit of work/disturbance. Also, besides modifying the wetland delineation line on the new plans, he added crushed stone to the driveway.
- o R. Para states that the beginning of the driveway will be pitched to Walker Road and the other half will be pitched to the crushed stone.
- o The Lemay's stress concern of the house next door. There never was a NOI filed and they filled the wetlands. The Commission determined that it wasn't wetlands (drainage ditch) and now the Commission states that it is wetlands.

Approved 5/12/05

- o R. Para stated that he moved the location of the well from the first location and reshaped the garage.

SCC Comments—

- o D. Mitchell questions whether the house, driveway and leach field is staked in the field.
- o K. Doyle states that it was marked in the field yesterday, but the location of the house has slightly changed since the wetland area was changed.
- o D. Barnicle states that what happened to the house lot next door was a mistake of the Commission, and now the Commission has to do what is best to protect the wetlands.
- o D. Mitchell requests to look at the property.
- o F. Damiano questions why the house cannot be moved 100-feet from the wetlands.

Applicant Comments—

- o The Lemay's state that they would like a nice buffer from the abutting houses, would like to enjoy the view of the pine grove. The location of the house is a good location, it is flat and there are not as many trees as the surrounding area.
- o The Lemay's are concerned with the status of the wetland and now why is it considered a wetland and not a drainage ditch.

SCC Comments—

- o D. Barnicle makes a motion to continue the hearing for a site walk. All in favor of a continuance.

*Site Walk scheduled for Saturday 4/2/05. Hearing continued until 4/14/05 at 8:20 PM. Applicant representative agrees.*

Abutters present: E. Hawkins concerned with work on New Boston Road. K. Doyle states that it is not related to the current project and hearing and that there are no wetlands near the area of concern. The Commission is to take a look at her area of concern on Saturday—drive by.

**PUBLIC HEARING**

**NOI CONTINUED—101 Cricket Drive. Jalbert for E. Paquette, construction of a SFH and associated work.**  
**DEP File No. 300-646**

D. Barnicle re-opened the public hearing, present were L. Jalbert representing the applicant, the Aquadro's (prospective buyers) and an abutter R. Rehkamp. L. Jalbert goes over the new plans with the Commission. Changes made include redesign of the retaining wall and drainage structures, and the addition of a cross-section diagram of the wall/yard elevations.

SCC Comments –

- o J. Hoffman questions the missing drainage structure proposed to be located in the driveway.
- o E. Goodwin questions the total limit of work associated with the wall construction.

Applicant Comments –

- o L. Jalbert states that a drainage structure is missing from the driveway. It will need to be added on the plan. A discharge point on the other side of the wall with rip-rap is also missing.
- o L. Jalbert states that large boulders will be brought in to form the wall.
- o L. Jalbert goes over the swale to be constructed in the front of the house for the flow coming off Cricket Drive.

Approved 5/12/05

- o L. Jalbert goes over the cross-section diagram on the project plan, the pitching of the driveway and landscape will allow runoff to be collected and discharged appropriately.

SCC Comments –

- o D. Barnicle questions what happens to the current runoff from Cricket Drive during the construction of the swale?
- o D. Mitchell questions the construction of the wall, will fill be behind the boulders? What about odd shaped boulders, how will the boulders help prevent erosion and provide stability?
- o D. Barnicle questions the stability of the wall: what will happen during serious rain events, will materials run through the wall? He suggests that something is done to protect the wetlands, a more stable wall.

Applicant Comments –

- o L. Jalbert states that the runoff will not be touched during the construction of the swale, it will be done during a dry time.
- o L. Jalbert suggests adding geotech fabric in front of the wall (non wetland side) to hold it in place and prevent sediment leaking through.

SCC Comments –

- o D. Mitchell is uncomfortable with a stone wall, questions the difference between a VersaLok wall and a stone wall.
- o D. Barnicle questions the distance between the wall and the wetland.
- o E. Goodwin states that the plan is acceptable with the exception of the wall design.
- o D. Barnicle agrees that the a lot has changed since the original project design, a significant difference between the amount of cut and fill.

Applicant Comments –

- o L. Jalbert states the difference between the two wall types. A VersaLok wall is more costly.
- o L. Jalbert states that the wall is to be constructed 67 feet from the wetland.
- o L. Jalbert states that the house was dropped (it is 6 feet lower) than the original proposed house location, and the pitch of the driveway is more desirable.

SCC Comments –

- o J. Hoffman states that there are other project in town that are having erosion issues because of the retaining wall design, more of an aesthetic design than structural.
- o F. Damiano states that a VersaLok wall is more acceptable.
- o D. Mitchell states that a better plan with a more structural wall is preferred, also the cross-section needs to match the elevations on the plan.
- o D. Barnicle agrees and suggests a riprap swale in the front of the property for the Cricket Drive runoff.

Applicant Comments –

- o L. Jalbert states that the applicant will check out the wall options and will add riprap to the plan. Also, the drainage structure missing from the driveway will also be added.

Abutter Concerns-

- o No concerns from R. Rehkamp at this time (see email submitted to the Commission on 4/5/05)

Information to be submitted –

- o Additional project information / plans addressing SCC concerns with the wall construction (see above)

Approved 5/12/05

*Hearing continued until April 14, 2005 at 8:40 PM pending receipt of new information.*

*Applicant representative agrees.*

## **PUBLIC HEARING**

Multiple NOI filings for 269 Cedar Street (Lots 1-5). DEP File Numbers 300-649

through 300-653. Applicant: M. Valandre and/or T. Reardon Builders, Inc. Rep: Jalbert Eng. and EcoTec

D. Barnicle re-opened the public hearing, present were S. Morrison from EcoTec and L. Jalbert representing the property owner/applicant. The property owner was present in addition to abutters, however did not speak during hearing process (see Sign In Sheet). K. Doyle states that since the last hearing, Title 5 compliance information was submitted to the Commission.

L. Jalbert submits a plan showing where the “perc” testing occurred on property.

S. Morrison reads the Title 5 compliance correspondence submitted to the Commission.

### SCC Comments –

- o D. Mitchell questions the different impacts with a collective system vs. five individual systems.
- o F. Damiano agrees that knowing the comparison data would be helpful.
- o D. Barnicle questions the wetland crossings, is there one or more crossings proposed?
- o D. Mitchell questions if the project has been submitted to the Board of Health yet, and if so, what is the Board’s take on a community system?

### Applicant Comments –

- o L. Jalbert states that there is one wetland crossing with 5 septic pipes included in the crossing.
- o L. Jalbert states that the Board of Health would not approve of a community system. The maintenance requirements would be challenging.
- o S. Morrison states that the project meets the Title 5 requirements and it meets the water quality requirements for aquifer watersheds.

### SCC Comments –

- o K. Doyle demonstrates the wetland crossing diagram to the Commission. K. Doyle also states that the project includes wetland replication and wetland/buffer zone restoration.
- o J. Hoffman states that the septic systems are not on legal building lots. There is a presumption that Title 5 is met on an acre lot.
- o The Commission agrees that they would like some feed back from the Board of Health and other Boards (ZBA, Planning) relative to the multiple property owner easements that are required.
- o E. Goodwin asks if the project is staked in the field so that the Commission can do a site walk.
- o D. Mitchell would like to see additional nutrient loading information submitted.

### Applicant Comments –

- o L. Jalbert states that the project is not staked in the field but will call the office and let K. Doyle know when it is staked and ready for a walk.
- o S. Morrison would like a quick summary of what the Commission would like to see for additional information.

### SCC Comments –

Approved 5/12/05

- o D. Mitchell states that the Commission would like a 1) site walk with staking in the field 2) septic system alternatives, recommendations from the Board of Health 3) cumulative nitrogen load potential of the 5 systems

Abutter Comments-

- o No Abutters present.

Information to be submitted (See above):

- o Board of Health information
- o Nitrogen loading information

*Hearing continued until April 14, 2005 at 9:00 PM pending a site walk and receipt of new information.  
Applicant representative agrees.*

### **NEW BUSINESS**

Tabled and included:

- 1) Saturday April 2, 2005 site walk discussion
- 2) The Preserve Enforcement Order
  - Fines are to be issued. All in favor of issuing fines--starting with the 2<sup>nd</sup> violation on March 28, 2005.
  - K. Doyle to write a "fine" letter stating the specifics of the fines. The letter is to be faxed and follow with a hard copy via certified mail/hand delivery.
- 3) Clark Road Extension erosion problem. Commission to do a site walk in the near future. (4/16/05)
- 4) Letter Permit submitted by P. Mimeault for Lot 43 on So. Shore Drive. (site walk 4/2/05)
- 5) Hall Road ANRAD, DEP File No. 300-640 Site Walk scheduled for 4/8/05.

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