

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, April 14, 2005

MEMBERS PRESENT

Board Members: D. Barnicle (Chair), D. Mitchell, F. Damiano

Associate Members: D. Grehl

K. Doyle for minutes

7:00 PM

DISCUSSION OF NEW INFORMATION / WALK INS

1) S. Morrison from EcoTec, G. Valiton from Andrews Survey and D. Ying present for discussion of 446 Main Street Enforcement Order, DEP File No. 300-480.

- G. Valiton states that EcoTec and Critter Control are being brought into the project to help analyze the situation. Breaching the dam and removing the beavers might be a solution
- The layout of the building and the parking lot is going to be adjusted.
- D. Barnicle recommends that the erosion control barrier is functioning properly.
- The Commission requests that the applicant goes forward with working with the contracted parties in trying to resolve the situation.

2) Peter Mimeault present for discussion of a letter permit request for tree clearing on "Lot 43" (across from 76 South Shore Drive).

- K. Doyle briefs the Commission of Mr. Mimeault's request. The Commission walked the property on 4/2/05. M. Mimeault requests to clear 20-30 trees within the Riverfront Area of a perennial tributary to South Lake.
- M. Mimeault states that Lot 43 is deeded for a structure, he would like to clear some trees now for storage purposed and then further down the road perhaps build a structure (garage/shed etc.).
- SCC members discuss that the work proposed is in Riverfront Area, a resource area not a buffer zone. A permit application is required for work within a resource area.
- D. Barnicle is concerned with erosion potential if the trees are to be stumped. M. Mimeault states that he does not need to stump the trees at the time of the clearing.
- D. Mitchell makes a motion that a NOI is required. K. Doyle states that if he wanted to build a structure at a later date, he could file a Request to amend the Order of Conditions obtained from the tree clearing.
- All in favor for the filing of a NOI: 3/0 approved.

3) L. DeRose (applicant) and M. Farrell of Green Hill Engineering present for 117 McGilpin Road: DEP File No. 300-645

- K. Doyle briefs the Commission on the minor changes requested by the applicant: move the outlet of the foundation drain into the outer 50-foot buffer zone and the house location will be further from wetlands (flatter area)
- L. DeRose confirms the changes and states that the changes are requested by Ciesla Construction, the General Contractor.
- M. Farrell states that the foundation drain is very small, the trench will be excavated and then backfilled immediately.
- The Commission recommends that L. DeRose submit a revised plan to the Commission for a Letter Permit approval. All in favor: 3/0.

Approved 5/12/05

PUBLIC HEARING

NOI CONTINUED from 3/17/05, DEP # 300-643: Para Eng. for A. Davis, single-family house construction at 265 Holland Road (No hearing: applicant representative request continuance for May 26, 2005).

PUBLIC HEARING

ANRAD CONTINUED from 3/17/05. DEP # 300-640, 23 Hall Road—24 acre delineation. B. Waterman for R. Straus (Site Walk occurred 4/8/05)

D. Barnicle re-opened the public hearing, present was B. Waterman representing the applicant. K. Doyle stated that the Commission walked the perennial stream on property on 4/8/05. The applicant wishes to change the status of the perennial stream to intermittent. K. Doyle also states that the applicant is wishing to gain approval on all of the wetland resource areas on the property. K. Doyle recommends that the Commission review the plan to make sure that all of the resource areas are shown correctly.

Applicant Comments—

- o B. Waterman submits additional drought data to the Commission.
- o B. Waterman states that the result of the Commission's site walk is that the stream is intermittent. All of the data submitted to the Commission supports that the stream is intermittent. The Drainage area of the stream is very small and does not support a perennial system. The dry stream bed photos show that the stream dries up in the summer.

SCC Comments—

- o D. Mitchell states what the Commission members observed on the site walk, low water flow and pooling—especially for spring, stream morphology does not support fish habitat or a perennial system.
- o The Commission questions if there are natural springs on the property.
- o K. Doyle mentions that the stream comes from a BVW area, a small wetland system. The area's hydrology must have changed over time and now the BVW area does not support the hydrology for perennial flow.

Applicant Comments—

- o B. Waterman answers that no natural springs are on property.
- o B. Waterman states that if the property is to ever be developed, permit approval will be mandatory: the majority if not all of the property is in a resource area and/or buffer zone.

SCC Comments—

- o D. Mitchell states that it would be beneficial to run a watershed analysis for all streams shown as perennial on the USGS. Would be a good project for an intern.
- o D. Mitchell motions to accept the wetland delineation and the status of the stream to be intermittent—as shown on the final project plans. D. Barnicle seconds the motion, all in favor: 3/0.

Hearing closed, Abbreviated Notice of Resource Area Delineation to be issued approving all of the wetland resource areas on property and changing the status of the perennial stream to intermittent. Applicant agrees.

PUBLIC HEARING

NOI CONTINUED from 3/17/05: DEP File Number 300-648. 118 Stallion Hill Road for Septic System repair. Green Hill Engineering for Moore.

D. Barnicle re-opened the public hearing, present was M. Farrell representing the applicant. M. Farrell submits project plans that show the alternative location of the septic system, behind the garage. K. Doyle states that the Commission walked the property on 4/2/05.

Applicant Comments—

- o M. Farrell states that the alternative location would require machinery to cross an old steel culvert. M. Farrell states that this could create a very big problem, the culvert could collapse. A steel plate would have to be installed over the area of the culvert for the machinery to cross.

SCC Comments—

- o D. Barnicle states that the alternative location is a better place for the septic because there is less hydrology to be altered. The only problem is the culvert situation.
- o D. Barnicle questions if replacing the culvert is an option and how long would a culvert replacement take?
- o F. Damiano states that he recommends the culvert to be crossed with a steel plate and the work be conducted when it is dry, June/July.
- o D. Barnicle questions the location of the pond up the hill.

Applicant Comments—

- o M. Farrell states that the probability of the culvert to be crushed is high. He recommends that the culvert to be replaced prior to construction of the septic.
- o M. Farrell states the culvert is carrying water from a man-made ditch, the intermittent stream is located on the North side of the driveway. The man-made ditch dries up in the summer—it is a 12-inch culvert.

SCC Comments—

- o K. Doyle states that replacing a culvert could be tricky. Now the project could potentially involve bank/stream alteration.
- o K. Doyle recommends that the wetland resource areas located on the north side of the driveway be delineated.
- o K. Doyle questions the limit of work and the erosion control line.
- o D. Mitchell states that the tree clearing will be limited, the contractor does not want to create more work. Limit of work as shown on the plan is okay.
- o The Commission advises M. Farrell to submit: 1) plans showing the wetlands delineated on the north side of the driveway 2) culvert replacement details and calcs 3) construction details/sequence
- o D. Barnicle makes a motion to continue the hearing pending the receipt of the additional information. All in favor of a continuance.

Abutter Comments—

No abutters present.

Information to be submitted—

See above. Additional information and revised plans to be submitted.

Hearing continued until 4/28/05 at 8:30 PM. Applicant representative agrees.

PUBLIC HEARING

NOI CONTINUED from 3/17/05: DEP File Number 300-647. 147 McGilpin Road for Septic System repair. Green Hill Engineering for Wetherbee.

D. Barnicle re-opened the public hearing, present was M. Farrell representing the applicant. K. Doyle states that the Commission walked the property on 4/2/05.

SCC Comments –

- o D. Mitchell questions where the old system is located on the property.
- o D. Barnicle states that he has no issues with the project. Space is limited on where the septic system can go.

Applicant Comments –

- o M. Farrell states that the old system is located adjacent to the building. It did not pass Title 5. The old system will be pumped, filled and abandoned in place.

SCC Comments –

- o K. Doyle states that the local 25-foot and the 50-foot buffer zones need to be on the plan.
- o D. Mitchell makes a motion to close the hearing, and issue an Order of Conditions approval pending the receipt of revised plans showing the buffer zones. F. Damiano seconds the motion, all in favor 3/0.

Abutter Comments—

No abutters present.

Hearing closed. Approval through the issuance of an Order of Conditions is granted, pending the receipt of minor modifications to the plan (see above). Applicant representative agrees.

PUBLIC HEARING

NOI CONTINUED from 3/31/05: DEP File No. 300-654. House Addition at 310 The Trail. Jalbert Engineering, Inc. representing J. & M. Ricci

D. Barnicle re-opened the public hearing, present were L. Jalbert representing the applicant and J. Ricci. K. Doyle states that the Commission walked the site on 4/2/05 and since that time, email correspondence was submitted to the Commission from Jalbert. K. Doyle reads the correspondence from Jalbert stating the 540 cubic feet of material is to be removed as part of the project.

Applicant Comments –

- o L. Jalbert goes over the project plans with the Commission. 4 feet of fill is to be brought out. Large boulders within the middle island will be removed. No tree removal is necessary. The foundation of the addition will be 4-feet deep.

SCC Comments –

- o K. Doyle states that she has a concern with the erosion potential during all earth moving activities. There is a steep slope to Big Alum.
- o D. Mitchell questions if the 2nd story of the house will be connected to the existing house.
- o D. Mitchell questions the need for a double driveway.

Applicant Comments –

Approved 5/12/05

- o Ricci states that there is no potential for erosion. The side of the slope will be loamed and seeded. It is not seeded now because there was glass that had to be cleaned up.
- o Ricci states that the second story will connect to the existing house and there is a double driveway now, and he would like to keep the double driveway. Plus it is a safety concern backing out of the driveway—need the double driveway for turn-arounds.

SCC Comments –

- o D. Grehl questions where are the rocks to be removed.
- o K. Doyle questions where the storage of materials will be on the property (i.e. storage of house materials and removed soil/rocks etc.)
- o D. Mitchell questions the roof runoff.
- o F. Damiano is concerned with removing so much material that the steep slope will now be steeper.

Applicant Comments –

- o L. Jalbert states that the rocks are in the middle of the island. A storage trailer will be onsite for the house materials and all soil will be trucked off-site.
- o L. Jalbert states that the project will improve the drainage of the property. The driveway will be pitched to drain to The Trail via an existing drainage swale on the side of the driveway. If the driveway is not pitched correctly, the garage will flood.
- o The roof runoff will be collected in a leaching pit, old and new roof runoff.

SCC Comments –

- o D. Mitchell is concerned with the increase of impervious area so close to the lake—double the impervious area. What is the gain for the lake? He states that there is little insurance that the lake will not be affected by the increase of impervious.
- o F. Damiano states that the runoff of the property will be increased.
- o D. Barnicle questions the location of snow removal for the driveway.
- o D. Mitchell questions what will happen in the area of the old driveway.
- o D. Barnicle requests to see more detail on the plan for controlling the sheet flow of water.
- o K. Doyle suggest a grassy swale along the driveway.

Applicant Comments –

- o L. Jalbert states that the project is good, it will change the flow of the property away from the lake and into The Trail.
- o Ricci states that there will be no wash out problems, erosion control measures are to be in place.
- o L. Jalbert states that snow will be stock piled in the flat area near the end of the driveway.
- o Ricci states that grass and plants will be in the area of the old driveway.
- o L. Jalbert states that the proposed grades will not allow for channelized erosion. The runoff will be controlled to the road.

SCC Comments –

- o D. Mitchell states that he would like to see the drainage control concerns addressed on the plan. The drainage swale mentioned is not shown on the plan.
- o K. Doyle questions other erosion control measures to be taken to avoid severe erosion potential.
- o D. Barnicle requests an improvement to the plan outlining all of the Commission's concerns about drainage and erosion. D. Barnicle makes a motion to continue the hearing pending receipt of additional information to address all concerns. All in favor 3/0.

Abutter Comments-

- o No Abutters present.

Approved 5/12/05

Information to be submitted (See above):

- o Revised plans with drainage details and erosion control methods.

Hearing continued until April 28, 2005 at 8:50 PM pending receipt of new information. Applicant agrees.

PUBLIC HEARING

NOI CONTINUED from 3/31/05: DEP File No. 300-655. Construction of a single-family house at 249 Walker Road. Para Land Surveying, Inc. representing Lemay.

D. Barnicle opened the public hearing, present were R. Para representing the applicant and the Lemay's. K. Doyle states that the Commission walked the site on 4/2/05 and no new information has been submitted since that time.

SCC Comments—

- o K. Doyle questions what the perforated pipe is for in the middle of the property, noticed on the site walk.
- o D. Mitchell states that the Commission's job is to protect the wetlands—is there an alternative to move the house further from the wetlands?

Applicant Comments—

- o R. Para states that the piping found on property is from a previous "perc" test.
- o R. Para states that the project is within regulations.
- o Lemays state where the house is situated now is preferred, but they're open to recommendations from the Commission.

SCC Comments—

- o D. Mitchell states that he prefers the house is moved further from the wetlands. Need to protect the wetlands to the maximum extent.
- o K. Doyle states that the Commission needs to justify the request to move the house. The lot lines have been approved by ZBA.
- o D. Barnicle is concerned with the lot layout, everything so close to the wetlands.
- o F. Damiano requests that the house is located as close to 100-feet from the wetlands as possible.
- o D. Mitchell suggest sliding the leach field forward and pushing the house away from the wetlands, or moving the driveway on the other side of the leach field.
- o D. Mitchell suggest any type of revisions to the layout would be good, move it way from the wetland as much as possible—it does not have to be 100-feet from the wetlands but as close to it as possible.

Applicant Comments—

- o Lemays state that they are concerned that they will adjust the house location and the Commission will still have concerns.
- o R. Para states that he will see what he can do to the lot design.

SCC Comments—

- o D. Barnicle makes a motion to continue the hearing pending the receipt of revised plans and an alternative design. All in favor 3/0.

Abutter Comments-

No abutters present.

Approved 5/12/05

Information to be submitted—

See above. Revised house/driveway location further from wetlands.

Hearing continued until 4/28/05 at 9:10 PM. Applicant and representative agree.

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 and the Aquadro's (prospective buyers). K. Doyle reads an email correspondence submitted to the Commission from an abutter, R. Rehkamp. R. Rehkamp's concerns include water on his property from the swale and maintenance of the beaver dam.

Applicant Comments –

- o L. Jalbert goes over the revised plan to include filter fabric in front of the wall and riprap in the swale to control the flow.

SCC Comments –

- o D. Barnicle states that the drainage structure to be within the driveway is still missing. Will the driveway be paved?
- o D. Mitchell questions the elevation of the wall and the minimum 6-inch lip.

Applicant Comments –

- o L. Jalbert states that the drainage structure will be added to the plan, it was a minor mistake to leave it out. Driveway will be paved. Retaining wall and drainage structures are proposed to collect the runoff.
- o L. Jalbert states that the elevation of the wall needs to be 82 ½ and the minimum lip can be added.
- o L. Jalbert requests to close the hearing pending receipt of the revised plans.

SCC Comments –

- o D. Mitchell states that L. Jalbert can submit revised plans to K. Doyle for review and the Commission will vote on the project first thing next hearing on 4/28/05.
- o K. Doyle states that she would like to see hay bales and silt fencing for protective measures.
- o D. Barnicle states that the silt fencing may cause additional sediment once it is removed.
- o D. Mitchell agrees that silt fence and hay bales are needed.
- o D. Barnicle makes a motion to continue the hearing until 4/28/05, and pending the receipt of revised plans, the project will be voted on before the start of the first scheduled hearing. D. Mitchell seconds the motion.

Abutter Comments--

No Abutters present

The Commission commented that R. Rehkamp's property will not be affected by the swale discharging Cricket Drive runoff.

Information to be submitted –

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

Hearing closed. A vote to approve the plans will be made on April 28, 2005 prior to the start of the public hearings. Revised plans to be submitted to K. Doyle prior to April 28, 2005. Applicant representative agrees.

PUBLIC HEARING

Multiple NOIs CONTINUED from 3/31/05 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. (No hearing: applicant representative request continuance for April 28, 2005. Site Walk to take place on 4/16/05).

NEW BUSINESS

Tabled and included:

- 1) Saturday April 16, 2005 site walk discussion (269 Cedar Street and Clarke Road Extension)
- 2) M. Suprenant present for discussion of Lot 30 (DEP 300-560) and Lot 31 (DEP 300-550) Tannery Road.
 - M. Suprenant requesting permitting guidance for changing the design of the retaining walls on the lots. Change from VersaLok to Stone wall.
 - Commission stated that an amendment to the Order of Conditions will be required, and the amendment process should follow DEP's Policy on Amendment requests.
 - Commission concerned that a stonewall will not protect the wetlands. The amendment request will have to be very clear in showing that there will be no impacts.
- 3) 70 Stallion Hill Road DEP 300-616.
 - Commission requires review of project changes, concerned with conflicting plans. M. Farrell to discuss with Commission on 4/28/05.
- 4) K. Rabbitt present to discuss Draper Woods
 - K. Rabbitt informed Commission of active protection measures being taken—silt sacks to be installed and floc logs. Sediment into pond is coming from Route 148. Route 148 catch basins are not functioning properly.
 - Commission requests that K. Rabbitt keeps K. Doyle informed.
- 5) 37 South Shore Enforcement Order DEP 300-578
 - Commission discussed the working of the enforcement order. A professional, certified wetland scientist is to submit a remediation plan to the Commission.
- 6) Commission signed 493 Leadmine Road Negative Determination.
- 7) Commission voted on Kelly Road FCP. All in favor of approval 3/0.

Motion to close hearing, 11:40 PM, approved by unanimous vote.