

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, April 28, 2005

MEMBERS PRESENT

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

Associate Members: D. Grehl

K. Doyle for minutes

7:00 PM

DISCUSSION OF NEW INFORMATION / WALK INS

1) Discussion of Stoneleigh Woods at 72 Hall Road. W. Belec, P. Thompson, and J. Massaurc present from Waterman Design Associates, Inc.

- Stoneleigh Woods currently under review by Planning and ZBA--elderly housing development, approx. 71 units
- SCC requests a new NOI to be filed
- K. Doyle states that an Order of Conditions was issued for the "access" road (and associated det basin) to the development parcel. The access road was to be a cul-de-sac. (DEP 300-533)
- W. Belec states that the cul-de-sac is not to be built.
- K. Doyle mentions that the Order of Conditions for the access road will need to be amended to include the changes.
- SCC discuss the magnitude of the proposed development. An alternative analysis will be required as part of the NOI.

2) M. Farrell of Green Hill Engineering present for discussion of 70 Stallion Hill Road (DEP 300-616)

- M. Farrell discussed the plan discrepancy, house addition and driveway plans did not include septic system.
- SCC request that a formal request to amend the Order of Conditions be made. Also, the Board of Health should be made aware of the driveway changes (driveway to be located over the leaching field & installation of stone wall)
- M. Farrell to submit a request to amend the Order of Conditions for DEP 300-616

3) T. Peloquin present for 83 Cedar Street, Violation

- T. Peloquin received a letter from the SCC stating that he was in violation of dumping trash and cutting down trees within the jurisdiction of the Commission. He stated that the trash was over 30 yrs. Old and tree clearing occurred in November 2004, not aware of the wetlands
- SCC request that a RDA is filed
- T. Peloquin stated that he is proposing a house addition, Jalbert Engineering is doing the site plans.
- SCC agreed that the dumping and tree clearing should be included as part of the NOI. Remediation and clean up will be required.

VOTE

DEP File No. 300-646. Jalbert for E. Paquette for 101 Cricket Drive. Construction of SFH and associated work.

- o K. Doyle states that revised plans were submitted to the Conservation Office. K. Doyle ok with plans.
- o K. Doyle requests if any Special Conditions need to be added to the Order of Conditions.
- o D. Barnicle requests that a Special Condition is incorporated to state that no alteration to the beaver dam on property can take place without approval.

Approved 5/12/05

- o D. Mitchell makes a motion to approve the project through the issuance of an Order of Conditions with special conditions. J. Hoffman seconds the motion, all in favor 4/0.

Approval Order of Conditions to be issued.

PUBLIC HEARINGS

M. Farrell requested to re-arrange the order of the first three scheduled hearings (7:20 PM, 7:30 PM and 7:50 PM) due to abutters and applicants being present for the 7:30 PM and 7:50 PM hearings. The Commission accepted the request and the hearings were held in the following order:

PUBLIC HEARING

DEP File # 300-656: NOI Filed by Green Hill Engineering for the Faugno's. Single Family House Addition at 37 Tantasqua Shore Drive

D. Barnicle opened the public hearing, present were M. Farrell from Green Hill Engineering and the Faugno's (property owner/applicant). D. Grehl recused herself because the project is located adjacent to South Pond and she is the President of the Lake Association. M. Farrell submits appropriate notifications (abutter notification green cards and newspaper advertisement). K. Doyle states that the project is located within Natural Heritage (NH) Estimated Rare and Endangered Species habitat and recommends that the Commission does not act on the project until comments are received from NH.

SCC Comments –

- o F. Damiano questions if the driveway is to be a pervious surface.
- o D. Mitchell questions the location of the septic system and the condition of the septic system. He states that the well is located down stream and of the septic.
- o D. Mitchell questions if the existing drain located under the driveway is to be removed.

Applicant Comments –

- o Faugno state that the driveway exists, but an expansion of the driveway is proposed. The driveway can be gravel if the Commission prefers.
- o M. Farrell does not believe the roof drain will be removed. He assumes it is about 8-feet deep and assumes that is a straight pipe from the house.

SCC Comments –

- o D. Barnicle questions if any alternatives have been considered, too close to the wetlands. Could the driveway be relocated?
- o K. Doyle wonders if the driveway can be flip-flopped
- o D. Mitchell questions if roof runoff will be infiltrated

Applicant Comments –

- o M. Farrell states that there is a porch in the front of the house and that side of the house is the kitchen and that is good for the garage. The project is located out of the 50-foot buffer zone so it is within the regulations.
- o Faugno states that there are currently gutters on the house

SCC Comments –

- o D. Barnicle states that a gravel perimeter around the house could infiltrate roof runoff and would not require maintenance like gutters.
- o D. Barnicle requests a site walk

Approved 5/12/05

Abutter Comments—
No abutters present.

Hearing continued until 5/12/05 pending a site walk on 4/30/05. Applicant representative agrees.

PUBLIC HEARING

DEP 300-637: NOI filed by Green Hill Engineering for J. MacCauley. Single Family House construction at 113 Breakneck Road

D. Barnicle opened the public hearing, present was M. Farrell representing the applicant and abutters J. Chiaretto and M. Edmonds. M. Farrell submits appropriate notifications. There is some confusion as to where the wetlands are and what lots require Conservation approval.

A discussion between J. Chiaretto, M. Edmonds and the Commission occurred relative to the presence of wetland resource areas behind lots 17, 18 and 19 on Breakneck Road. J. Chiaretto expressed concern for the wetland resource areas relative to the development of Lot 18. The Commission decided to visit the lots on the site walk for Lot 20.

Applicant Comments—

- o M. Farrell went over the project plan for the development of Lot 20. M. Farrell states that he and K. Doyle visited the property in February 2005 and determined that there are no wetlands present behind lots 18 and 19. Lot 20 has BVW and Riverfront Area.

SCC Comments—

- o K. Doyle states that there is a tiny area of isolated wetland behind Lot 19, but it is very small, maybe 10 feet by 10 feet. The area behind the lots are disturbed and historically may have been a wetland, but now, no hydric soils and no hydric vegetation.
- o D. Barnicle requests to continue the hearing and schedule a site walk for Saturday. D. Barnicle requests that M. Farrell attends the site walk with the Commission.

Hearing continued until 5/12/05 pending a site walk on 4/30/05. Applicant representative agrees.

PUBLIC HEARING

SCC #05-05: RDA filed by Green Hill Engineering for M. Clayton & M. Carbonneau. Single Family House construction at 17 South Road

D. Barnicle opened the public hearing, present was M. Farrell representing the applicant. M. Farrell turns in appropriate notifications. K. Doyle states that a RDA was filed because all work is located within the local 100 to 200-foot buffer zone.

SCC Comments—

- K. Doyle questions where the perennial stream is on property.
- D. Mitchell questions the limit of the BVW wetland.

Applicant Comments—

- o M. Farrell states that the perennial stream is located far from the property, probably about 500-feet or so from the work.

Approved 5/12/05

- o M. Farrell states that the property is an old farm and hay field. The property was not believed to have been cultivated, but existed as pasture. The property was hayed.
- o There is an old stone foundation that will be removed.

SCC Comments—

- o D. Mitchell requests a site walk to see the limit of the BVW. He requests that the proposed house location be staked in the field.

Applicant Comments—

- o M. Farrell agreed to stake the property. He will call the Conservation office when it is staked and ready for a site walk.

Abutter Comments—

No abutters present.

Hearing continued to 5/12/054 pending site walk. Applicant agrees.

PUBLIC HEARING

DEP 300-626: NOI filed by Jalbert Engineering for Howerton. (Revised Plans submitted) Single Family House construction at 118 Clarke Road

D. Barnicle opened the public hearing, present were L. Jalbert representing the applicant and D. Gemme. L. Jalbert submits appropriate notifications. L. Jalbert goes over the project plans with the Commission, explaining the property/driveway changes to the project.

SCC Comments –

- o K. Doyle requests that the new work is clear on the plan. The wetland crossing is already constructed. The NOI application is only for the construction of the house and septic. Is the driveway to be paved?
- o D. Mitchell questions the wetland crossing. The culvert crossing seems to be undersized. The flow is not good.
- o K. Doyle agrees that there is some ponding taking place, the hydrology connection does not seem to be adequate.
- o D. Barnicle is concerned with doubling the traffic on the culvert crossing for the driveway.

Applicant Comments –

- o L. Jalbert points out where the driveway is to be paved as part of the application.
- o D. Gemme states that the crossing is not a big concern, there has never been a “washout” on the driveway.
- o D. Gemme is requesting approval from the Commission tonight. The project has been going on for some time. The property owner is experiencing a financial situation where construction needs to start soon.

SCC Comments –

- o D. Mitchell requests to inspect the driveway crossing. New calculations and possibly a new culvert may be required to maintain the property hydrologic connection.
- o J. Hoffman states that the crossing does not impact the work that is proposed, some of the work proposed is out of the 200-foot buffer zone.

Applicant Comments –

- o D. Gemme requests that the applicant can go forward with the project, he requests that the culvert crossing be looked at during construction of the house.
- o D. Gemme states that the Building Inspector will not sign off on the project until the Commission has issued an approval.

SCC Comments –

- o D. Barnicle states that phasing of the project in the Order of Conditions could work. The Order of Conditions could be written to include Phase I, construction of the house outside of the buffer zone and then Phase II could be construction of the septic system once the culvert crossing is analyzed by the Commission.
- o K. Doyle states that she will contact the Building Inspector first thing Monday informing him that the project has been approved with phasing conditions. The Commission will issue the Order of Conditions within a couple of weeks, need time to write and review.
- o D. Barnicle makes a motion to close the hearing and issue an Order of Conditions approving the project with special phasing conditions. D. Mitchell seconds the motion, all in favor 4/0.

Abutter Comments-

- o No Abutters present.

Hearing closed. Order of Conditions to be issued approving the project with phasing special conditions. Applicant representative agrees.

PUBLIC HEARING

DEP File Number 300-648: NOI CONTINUED for 118 Stallion Hill Road. Green Hill Eng. for Moore. Septic System Repair.

D. Barnicle re-opened the public hearing, present was M. Farrell from Green Hill Engineering representing the applicant. K. Doyle states that revised plans were submitted to the Commission that includes the culvert replacement detail and a construction sequence. M. Farrell goes over the new plans with the Commission.

SCC Comments –

- o F. Damiano questions if the culvert replacement will be after or before the septic system construction.
- o D. Mitchell questions how long the construction will be taking place.
- o K. Doyle recommends that the culvert replacement occurs first, so that it is stabilized for construction.
- o J. Hoffman questions if the culvert is to be concrete or plastic

Applicant Comments –

- o M. Farrell states that the septic system construction will take about 2 weeks.
- o M. Farrell states that the culvert should be replaced first, then the steel plate will be put down for construction access. See the construction sequence.
- o M. Farrell states that it will be a plastic pipe.

SCC Comments –

- o F. Damiano makes a motion to approve the project as shown on the plan.
- o K. Doyle questions if any special conditions need to be added.

Approved 5/12/05

- o D. Barnicle makes a motion to add special conditions to include the submittal of the culvert construction sequence and that the Commission is notified prior to the culvert construction. It will need to take place during the dry season when the stream is dry.
- o D. Mitchell seconds the motion. All in favor 4/0.

Abutter Comments-

- o No Abutters present.

Hearing closed. Order of Conditions to be issued approving the project with special conditions. Applicant representative agrees.

PUBLIC HEARING

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

D. Barnicle re-opened the public hearing, present were L. Jalbert from Jalbert Engineering and Ricci (property owner). K Doyle read an email submitted by Jalbert Engineering that corrected the amount of fill to be removed from the site—540 cubic yards as opposed to 540 cubic feet (note increasing volume of disturbance). L. Jalbert submits new plans to the Commission and goes over the new plans.

Applicant Comments—

- o L. Jalbert states that he visited the site and there is no visual ponding of water at the end of the driveway.

SCC Comments—

- o D. Mitchell states that in the future, please submit photographs
- o F. Damiano states that there may not be a water problem now, but what about when the project is constructed and the topography changes. How will the site function when all of the material is removed?

Applicant Comments—

- o L. Jalbert states that approximately 4-feet of material will be excavated out.
- o The west side of the property will be about 1-feet of material and the east side will be about 4-feet of material.
- o L. Jalbert states that the applicant is willing to sacrifice the east driveway and will loam and seed that area. This would eliminate approximately 2/3 of earth removal.

SCC Comments—

- o The Commission would highly recommend removing the east driveway.
- o D. Barnicle questions why a plan was not submitted with the one driveway design?
- o D. Mitchell is not convinced that the runoff will not be a problem.
- o D. Barnicle is worried about the slopes and the pond.
- o K. Doyle questions if the driveway is to be paved or not.

Applicant Comments—

- o L. Jalbert states that he just found out about the option of having only one driveway.
- o Ricci states that stone dust can be installed instead of pavement. Snow removal could be relocated to the other side of the driveway.

SCC Comments—

Approved 5/12/05

- o D. Mitchell states that having one driveway would result in a net loss of semi-impervious surface. Comfortable with the design of one driveway.
- o D. Barnicle states that the applicant should come back with a new plan showing the one driveway.

Abutter Comments-

No abutters present.

Information to be submitted—

See above. Revised project plans with one driveway.

Hearing continued until 5/12/05 at 8:10 PM. Applicant and representative agree.

PUBLIC HEARING

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

D. Barnicle re-opened the public hearing, present were R. Para from Para Survey and Engineering and the Lemay's. R. Para submits revised plans to the Commission for review. The new plans have a modified property line and the house is pulled further from the wetlands.

SCC Comments—

- o The Commission agrees that the revised plans are much better. The wetlands are protected more.

Applicant Comments—

- o R. Para states that the applicant will have to re-visit the Planning Board for approval of the property line.
- o The Lemay's state that they are happy with the house re-location, the garage will be on the north side of the house blocking the view from the neighbors (themselves).

SCC Comments—

- o D. Mitchell makes a motion to approve the project as shown on the revised plans. F. Damiano seconds the motion. All in favor 4/0.

Abutter Comments-

No abutters present.

Hearing closed. Order of Conditions approving the project to be issued. Applicants agree.

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 from Jalbert Engineering 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, correspondence was submitted re: nitrogen loading. L. Jalbert submits to the Commission Stormwater Management information and revised plans.

SCC Comments –

Approved 5/12/05

- o D. Mitchell requests an explanation of the nitrogen report.
- o F. Damiano states that if the septic systems meet Title 5, then it is not the Commission's jurisdiction.
- o D. Mitchell states that the septic systems may meet drinking water standards, but the Commission is concerned with the wetland impacts and the production of algae in the stream.
- o K. Doyle states that the project has been submitted to the Board of Health and recommends that the Commission does not act on the project until all of the Board of Health's concerns are addressed.
- o K. Doyle states that the project requires a 401 WQC permit from DEP and if the applicant is to request a deed restriction, then the wetlands could never be altered for the life of the property.

Applicant Comments –

- o S. Morrison explains the Nitrogen report to the Commission. The project is below the drinking water standards. As far as impacts to the stream, there is no way to determine if the systems will impact prior to installation.
- o S. Morrison confirms that a deed restriction will be put on the properties as a result of the 401 WQC.

SCC Comments –

- o D. Mitchell states that a monitoring well could be installed and collect samples prior to septic installation and will continue to collect samples once the septic systems are functioning. This will help see if the septic systems are impacting the stream.
- o J. Hoffman states that the specific lot to have the monitoring well will be responsible for reports to be submitted to the Commission—Lot 2—it will have to go on the deed as an ongoing condition.
- o K. Doyle questions who is responsible for the construction of the project and who will be installing the monitoring well and responsible for submitting that information to the Commission prior to the individual land owner?
- o D. Barnicle is concerned with the septic easements.
- o F. Damiano suggests a common pathway to be maintained on Lot 3 for all property owners as opposed to easements.
- o D. Mitchell is concerned with the ATV traffic on the maintained access road.

Applicant Comments –

- o S. Morrison states that Reardon Builders will be constructing the sites and would be responsible for the well prior to someone buying the house.
- o S. Morrison states that the applicant is hesitant to start the legal easement documents in case the project was not approved by the town.

SCC Comments –

- o D. Barnicle states that he wants to see the wording of the easements prior to approval, Town Council may have to be involved. Can the legal documents even be done for ongoing maintenance easements?
- o D. Barnicle requests to continue the hearing subject to receiving new plans with the monitoring well information and easement documentation.
- o K. Doyle suggests that the applicant (S. Morrison) writes the monitoring well plan, describing the capping and what is to be monitored—that way the Commission can review and comment. D. Mitchell wants nitrates, ammonia and nitrogen monitored.
- o D. Barnicle would like to see Board of Health comments and Planning Board comments on the easement documents.

Abutter Comments-

- o No Abutters present.

Approved 5/12/05

Information to be submitted (See above):

- o Board of Health comments
- o Planning Board comments
- o Easement documentation
- o Monitoring well information
- o Revised plans with the monitoring well shown

Hearing continued until May 12 at 8:30 PM pending submittal of additional information. Applicant representative agrees.

NEW BUSINESS

Tabled and included:

- 1) Saturday April 30, 2005 site walk discussion
- 2) A Vote to approve the Extension of Big Alum and Cedar Lake Maintenance Order of Conditions for 1 year.
All in favor of extensions 4/0.
- 3) Signing of Hall Road ORAD and 147 McGilpin Road Order of Conditions.
- 4) Discussion of DEP 300-606, Walker Road Order of Conditions.
 - K. Doyle to draft and Commission to sign with the condition of rip-rap
- 5) 37 South Shore Enforcement Order DEP 300-578
 - Commission determined that the report submitted by EcoTec is partial compliance. Commission request full compliance with the enforcement order by next hearing 5/12/05.
- 6) Discussion of Kelly Road Gravel Pit.
 - Stay out of the 25-foot buffer zone and submit new plans.

Motion to close hearing, 12:30 AM, approved by unanimous vote.