

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, July 7, 2005

MEMBERS PRESENT 7:00 PM

Board Members: D. Barnicle (Chair), E. Goodwin, D. Grehl, F. Damiano, D. Mitchell (7:14 PM)
K. Doyle for minutes

DISCUSSION OF NEW INFORMATION / WALK INS

7:07 PM: E. Mainini for Allen Homestead Extension of permit DEP 300-419

- Discussion of work timeline submitted by E. Mainini: Roadway work done by July 29, 2005 and As-Builts done by August 15, 2005.
- D. Barnicle motions to accept the timeline for work completion and grant an Extension in accordance with the timeline. E. Goodwin seconds the motion: All in favor 4/1 abstained. K. Doyle to write Extension to be signed at next hearing 7/21/05.

7:18 PM: M. Suprenant to discuss Erosion Control Monitor situation for the Allen Homestead project DEP 300-419

- M. Suprenant did not find any discussions or votes in the hearing minutes disapproving him of the Erosion Control Monitor.
- D. Barnicle explains that the Commission discussed the situation and made a recommendation to not accept M. Suprenant as the Erosion Control Monitor--conflict of interest. The employer made the ultimate decision. E. Goodwin states that M. Suprenant should speak with the Applicant of the project, he made the decision at the recommendation of the Commission.
- D. Barnicle suggested that M. Suprenant make an appointment with the Commission to discuss the situation, should not be a Walk-In discussion at a hearing.
- K. Doyle to send documentation to M. Suprenant—correspondence to and from the Applicant (K. Doyle called M. Suprenant on 7/11/05 and informed him that the Commission's discussion of the situation was posted on the 2/17/05 Hearing Agenda and the discussion is included in the 2/17/05 meeting minutes available online).

7:28 PM: L. Jalbert and D. Hennessy present to discuss 13 Library Lane South property

- Plan and Letter request submitted to the Commission
- L. Jalbert requests the SCC's comments on proposed house addition within 25-feet of the Lake
- D. Hennessy discusses the reasoning for the house addition (non-relevant)
- D. Barnicle states that the project would require a waiver from the Local Wetland Regulations, the porch may be built on sonotubes to reduce impact
- K. Doyle states that the applicant should exhaust all alternatives
- SCC to take a site walk in the near future—no date determined at the time of the meeting (site walk 7/30/05)

7:38 PM: Discussion of next hearing date 7/21/05

- D. Barnicle out of Town, D. Mitchell to act as Chairman

7:40PM: PUBLIC HEARING

D. Barnicle re-opens the public hearing, N. Traux and T. Stalker present. D. Grehl recused herself—President of the Lake Association. Applicant submits a new plan to the SCC. K. Doyle states that she has not seen the plan and the project requires a waiver from the 25-ft no touch buffer zone for work associated with creating access to the Lake.

SCC Comments-

- D. Barnicle states that sonotubes will violate the 25-ft no touch buffer zone, a staircase may help with erosion
- E. Goodwin questions why not utilize the existing path location—the property is very steep and sandy
- D. Mitchell states that stairs would be preferred for erosion control and utilizing the existing path would be better—minimize the disturbance.

Applicant Comments-

- N. Traux states that Engineer was in hospital, that is why plans submitted last minute
- N. Traux states the reason why the access is not utilizing the existing path is because of the length of the access path. The proposed location is a shorter span.

SCC Comments-

- E. Goodwin states that the best access with less disturbance would be I-beams dropped on feet and a wooden walkway.
- D. Barnicle states that more information is needed: details of the walkway and a slope profile
- D. Mitchell questions the location of the retaining wall
- E. Goodwin states that the well should be cut down to the elevation of the house to land.
- K. Doyle questions the location of the erosion controls
- F. Daminao states that the property is already disturbed which is a benefit

Applicant Comments-

- T. Stalker states that a perimeter drain was added and the basement is to be a walk-out basement.
- T. Stalker states that the well exists on property. Property was disturbed prior to purchase.

SCC Comments-

- D. Barnicle is concerned with the work located in the 50-ft buffer zone. A planting plan is required for mitigation.
- D. Mitchell seconds that a planting plan is required. Other items required: retaining wall information/elevations, cross-section of staircase for access to Lake, Planting plan for the 50-ft buffer, and an Enhancement Plan for the 25-ft buffer zone.

Applicant Comments-

- N. Traux requests that the Commission makes a decision tonight. He wants to start work on the house.

SCC Comments-

- E. Goodwin states that the house construction is straight forward. He would only approve work for the house, septic and driveway. No work within the 50-ft buffer zone.
- D. Barnicle states that he cannot approve the plan as is.
- Motion: E. Goodwin makes a motion to approve project—only the house, septic and driveway. The applicant must come back and Amend the permit for any other work. D. Mitchell seconds the motion

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and adds that a letter must be submitted stating that the applicant recognizes that no work is to occur in the 50-ft buffer zone. All in favor: 2/1/1 (D. Barnicle opposed, D. Mitchell abstained—did not attend site walk).

- K. Doyle states that the Order of Conditions can be written upon receipt of letter from the Applicant. Also, erosion controls need to be moved to reflect no work in the 50-ft buffer zone.

Information to be submitted:

- Letter from Applicant stating that no work is to occur within the 50-ft buffer zone and a Request to Amend will be made in the future.

Hearing closed, Order of Conditions to be issued approving work out of the 50-ft buffer zone only—pending receipt of letter.

8:18 PM: PUBLIC HEARING

NOI CONTINUED: DEP 300-660 for Lot 4 off Bentwood Drive—Proposed Duplex. Jalbert Engineering representing Sturbridge Investors.

D. Barnicle re- opened the public hearing, present was L. Jalbert. Many abutters present (see sign-in list). K. Doyle states that a revised plan was submitted to the office since the last hearing. The plans show the location of the erosion controls that are installed. K. Doyle states that an abutter has submitted information to the SCC via email. The information is non-relative as it pertains to cases that included wetland alteration/fill without a permit, this project includes buffer zone alteration without a permit.

Applicant Comments-

- L. Jalbert states that the Erosion Controls were installed under the assumption that an Order of Conditions was issued prior to the clearing work.

SCC Comments—

- K. Doyle questions why the plan was released to the contractor prior to obtaining a permit.
- E. Goodwin questions why the clearing and the erosion controls were installed in the wrong place if the contractor had the plan.
- The SCC discusses the 100-ft buffer zone and the work that has taken place in the buffer zone without the proper permit.
- D. Mitchell questions what possible modifications can be made to the location of the house to get it out of the 100-ft buffer zone.

Applicant Comments-

- L. Jalbert states that the building can be moved, but more pavement would be required.

SCC Comments—

- D. Barnicle states that a Planting Plan is required to help remediate for the trees cleared.
- F. Damiano states that he would like to see the building out of the 100-ft buffer zone
- D. Barnicle states that perimeter drains and a drywell should be installed to assist with the run-off.

Abutter Comments-

- J. Rebduie states that he recommends 20-30 foot Evergreen trees to be planted. Tall trees were removed
- C. Cutts states that he is concerned with the driveway. The driveway and duplex should be done within character of the community. No higher maintenance.

Information to be submitted:

- Revised project plan with Planting Plan, relocation of the building and perimeter drains.

Hearing continued until August 4, 2005 at 8:00PM. Applicant agrees.

8:50 PM PUBLIC HEARING

AMENDMENT CONTINUED: DEP 300-578: 37 South Shore Drive. Request to Amend Order of Conditions (result of an Enforcement Order). Flycon Homes and Trifone Design Associates.

D. Barnicle re-opened the public hearing, present were F. Trifone, D. Flynn and S. Morrison. D. Grehl recused herself—President of the Lake Association. F. Trifone submits to the SCC a revised Project Plan. K. Doyle states that the applicant submitted the information that the Commission requested at the 6/14/05 Site Walk just yesterday (7/6/05)—no time for review. K. Doyle is not satisfied with the Applicant's response to the Commission.

SCC Comments—

- D. Barnicle states that he does not want to look at the plan just submitted.
- SCC discusses what was supposed to be submitted as a result of the Site Walk. E. Goodwin had an understanding that transects of the wetland altered area and information address the Commission's concerns about the roadway runoff was to be submitted.
- E. Goodwin states that the SCC should look what is submitted on the plan.

Applicant Comments-

- F. Trifone states the transects were surveyed in today in the field.
- S. Morrison explains the transects and the results of the transects

SCC Comments—

- K. Doyle requests that the emergent vs. forested wetland is shown on the plan.
- D. Mitchell questions the total impact area, what was already cleaned and what has not been restored.
- F. Damiano requests to know the total impact area
- D. Mitchell requests if any silt was observed beyond the transect points.

Applicant Comments-

- S. Morrison states that a small trace of sediment was noted, fine material.
- S. Morrison states that the wetland replication area would cause substantial impact to the buffer zone of the wetland. He recommends restoring the wetland that was impacted—replication is not feasible. Restoration can be done by removing sediment by hand and spreading leaf litter on exposed soil areas

SCC Comments-

- E. Goodwin would like to see the roadway improved—the fill to be removed
- Other SCC members agree that a replication area may be not feasible at this point.
- F. Damiano requests if the planting plan is adequate near the driveway
- D. Mitchell states that the silt will have to be removed by hand during draw down.
- D. Barnicle requests that an Environmental Monitor is present onsite during removal.
- SCC discusses if the applicant should remove the sediment now or wait until next hearing.
- K. Doyle states what needs to be submitted to the Commission: revised plans with a note stating that a replication area was considered by the Commission and determined not feasible and more details of the roadway restoration.
- D. Barnicle states that the plans must be submitted by July 25, 2005.

Information to be submitted-
Revised Project plans (as discussed)

Hearing continued until August 4, 2005 at 8:20PM. Enforcement Order still in effect. Applicant representative agrees.

Scheduled 8:30PM PUBLIC HEARINGS

Multiple NOIs CONTINUED DEP Nos. 300-649 through 300-653. Five Single Family houses at 269 Cedar Street (Lots 1-5). Applicant: M. Valandre and/or T. Reardon Builders, Inc. Rep: Jalbert Eng. and EcoTec

Requested Continuance to 7/21/05 at 9:30PM

9:32PM PUBLIC HEARING

AMENDMENT CONTINUED: DEP 300-480. 446 Main Street, Proposed Chinese Restaurant. Request to Amend Order of Conditions (result of an Enforcement Order). Andrews Surveying and Engineering representing Dong Y. Ying.

D. Barnicle re-opened the public hearing, present were G. Valiton and Critter Control. K. Doyle informs the SCC of the progress of the culvert clean-out and presents the SCC of the revised plan submitted prior to the hearing. K. Doyle is satisfied with the progress so far.

SCC Comments—

- o E. Goodwin states that he is concerned with the dredging 4-6 feet deep in front of the culverts. Concerned with grading of a flowing area
- o D. Mitchell states that the soil is going to be wet. It will need to be stored onsite to dry out.
- o D. Barnicle states that the work is temporary and the wetland will gain improvements. Temporary impact for long term benefit—wetland restoration.
- o D. Mitchell states that the beaver measures and dredging will have to occur during low flow. The soil should be stock piled in the area of where the swale is going to be and erosion controls need to be installed around the temporary stock pile.
- o E. Goodwin states that the stock pile needs to go on the plan.
- o K. Doyle requests a maintenance plan for the swale and culverts, and specific beaver device information
- o SCC discuss the issuance of the permit
- o SCC to take a vote next scheduled hearing pending the receipt of requested plans by July 15, 2005.

All in favor of closing the hearing and voting next meeting (July 21, 2005): 5/0 unanimous
Maintenance of culverts to continue by Critter Control

Hearing closed and Order of Conditions to be voted on 7/21/05 at 7:20PM pending receipt of plans. Critter Control to continue maintenance of culverts—Enforcement order is in effect until the Amendment is issued. Applicant representative agrees.

10:00PM PUBLIC HEARING

DEP 300-520. Request to Amend Order of Conditions for single family house at 400 New Boston Road (previously 388 Lot 10 New Boston Road). Escape Estates representing property owner.

D. Barnicle opened the public hearing, present was A. Cormier, Jr. K. Doyle collects the necessary public advertisement information (green cards and newspaper tear sheet). K. Doyle explains to the SCC the project—new property owners want to add an addition. There was an Enforcement Order issued by the SCC during house construction for a washout in to the wetland.

SCC Comments—

- o Brief discussion of the Enforcement Order
- o D. Barnicle questions if the shed is going to be located on sonotubes.
- o E. Goodwin states he has no problems with the proposed amendment.
- o D. Barnicle states that gravel should be installed between the shed and the driveway and under the shed.

Applicant Comments-

- o A. Cormier states that the shed will be on sonotubes and the gravel is not a problem.

SCC Comments—

- o E. Goodwin makes a motion to close the hearing and issue the Amendment permit. D. Barnicle seconds the motion, All in Favor: 5/0.

Hearing closed. Amendment to the Order of Conditions is to be issued and signed next hearing on 7/21/05. Applicant agrees.

10:10PM NEW BUSINESS

Appointment: C. MacGregor from Brendon Homes, Inc. for Extension of The Preserve Order of Conditions DEP 300-471

- K. Doyle goes over the Extension request and the status plan prepared by C. MacGregor. K. Doyle expresses concern relative to individual property owners not aware of the Order of Conditions—pools and other disturbance in buffer zone.
- D. Mitchell suggests a home-owner package to be developed for the SCC to review. The Home Owner package should be distributed to all properties within SCC jurisdiction.
- D. Grehl mentions the hydro-seeding on Audubon Way. C. MacGregor states that needs to be done.
- E. Goodwin makes a motion for a 1 year Extension and F. Daminao seconds the motion. All in favor: 5/0.

Walk-In Appointment: K. Rabbit for Draper Woods Extension of the Order of Conditions DEP 300-469

- Discussion of status of the project. Phase II will not be completed this year—ledge is present
- E. Goodwin questions the sediment delta in the pond off Route 148. K. Doyle states that the delta is caused by a catch basin on Route 148. K. Rabbit states that Slims can clean it out, no problem but it is state/town owned.
- E. Goodwin states that before the Extension, what items need to be completed. K. Rabbit states that DB2 is to be hydro-seeded next week, all loam piles are to be sprayed, no more stumping is to occur by mid-september the site will be buttoned-up and hydroseeded.
- E. Goodwin states that he wants a site walk with the Commission. D. Barnicle mentions that M. Marcus should be present.
- Site Walk scheduled for Thursday July 14, 2005 at 5pm. SCC to vote on Extension next hearing pending site walk. (7/14/05 Site Walk never occurred due to conflicts. K. Doyle visited site with M. Marcus and K. Rabbit on 7/13/05 and reported to SCC)

OTHER BUSINESS

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Tabled and included:

- 1) Discussion of Saturday 7/9/05 Site Walks
- 2) The Preserve and Pools (Home Owner Package as discussed with C. MacGregor)
- 3) Discussion of 56/58 South Shore Letter Permit and NHESP
- 4) Discussion of Summer & Fall 2004 Minutes: K. Doyle to type Draft minutes
- 5) DEP Correspondence OK to send out

Motion to close hearing, 12:02AM, approved by unanimous vote.