

STURBRIDGE CONSERVATION COMMISSION

Minutes for Thursday, July 21, 2005

MEMBERS PRESENT 7:00 PM

Board Members: D. Mitchell (Chair), E. Goodwin, D. Grehl, and F. Damiano
K. Doyle for minutes

DISCUSSION OF NEW INFORMATION / WALK INS

7:07 PM: C. Goodwin for Open Space

- Discussion of Upgrade to the Open Space Plan
- Discussion of the revolving fund for purchase of Land, appraisal process etc.
- SCC to review and comment on the Open Space Plan.

7:19 PM: M. Dhenby and Tetreault Foresting for property at 125 Cedar Street

- Discussion of wetland delineation by Jalbert.
- Discussion of land, house exists
- D. Grehl questions why remove the trees. M. Dhenby states to limit the dense forest
- E. Goodwin if M. Dhenby plans to develop the parcel. M. Dhenby states no development proposed.
- D. Mitchell states that the trees need to be marked in the field. Also, the 50-ft and 100-ft buffer zone should be marked.
- SCC agree that a Letter Permit can be submitted since clearing is to take place in the 200-ft buffer zone, maybe 3 to 4 trees in the 100-ft buffer zone. Trees are not to be stumped. D. Mitchell can visit property on his own.

7:28 PM: PUBLIC HEARING

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

- K. Doyle goes over the new plans with the SCC and the Conditions set forth in the permit.
- SCC discuss the sequencing of the project.
- SCC discusses the Extension of the Amendment
- D. Grehl makes a motion to accept the project plans and issue the Amended Order of Conditions as written with an Extension granted until Jan 2007. F. Damiano second the motion, All in Favor: 3/1 (E. Goodwin not in favor)

7:45PM: PUBLIC HEARING

NOI: DEP 300-662. 12 Ridge Hill Road, Construction of a Single-Family House. Trifone Design Associates representing Jason Lemieux

D. Mitchell opens the public hearing, F. Trifone, D. Getman and property owners present (Lemieux's). K. Doyle received the property public notification information (green cards and tear sheet from newspaper).

SCC Comments-

- K. Doyle briefs the SCC on the project: property already cleared and stumped. L. Jalbert submitted pictures of the property in April claiming that wetlands are on property and the lot is not buildable. K. Doyle states that abutters are concerned with the project and reads to the SCC two letters written by abutters (see file). K. Doyle states that an Isolated Wetland protected under the bylaw was not delineated on property. K. Doyle met D. Getman in the field on 7/19/05 to go over the isolated wetland (IVW) area.
- D. Mitchell questions if the IVW is connected to the bordering vegetated wetland (BVW) subsurface.

Applicant Comments-

- D. Getman informs the SCC of the wetland delineation and the existing conditions of the site. He was not aware of the local bylaw and regulations at the time of the delineation that is why the IVW was not flagged—thought not jurisdictional.
- D. Getman states if that the abutters are concerned with the drainage the the project should incorporate some sort of infiltration of runoff.

SCC Comments-

- E. Goodwin states that the SCC should visit the site and look at the IVW.
- K. Doyle states that the IVW area should be delineated in the field and shown on the plan. As of now, there is proposed grading and a porch located in the area of the IVW.
- F. Damiano questions the size of the IVW. K. Doyle states about 1750 sq feet.
- D. Mitchell states that flood needs not to be an issue with any project. Roof drains and rain gardens are good options.
- SCC discuss meeting onsite 7/28/05 at 5:00PM.

Abutter Comments-

- J. Warrington states that he lives next door to the property (6 Ridge Hill Rd) and during the spring that area and his yard experiences major flooding. He is concerned with grading of the property and flow of water onto his property—it floods as it is.
- M. Peliter (16 Ridge Hill Road) is concerned with flooding of his property. (K. Doyle noted that M. Peliter did not receive an abutter notification because he moved into his house in May. The previous property owner received the abutter notification. M. Peliter was present at the 7/19/05 site walk)

Applicant Comments-

- J. Lemieux states that he now pays taxes on the property and he needs an extension of his building permit because of the wetlands. The property was cleared in May prior to knowing about the wetlands. Previously existing on property were spruces and apple trees.

SCC Comments-

- D. Mitchell states that the wetlands are the boards concern.
- F. Damiano states that the Commission will consider all abutter concerns. He also states to the property owners that because of the wetlands, the project may not be as easy.
- SCC discusses how the applicant should proceed. K. Doyle suggests that the IVW be delineated and a new delineation plan be submitted to the SCC for a site walk and approval of the IVW delineation. From there, Trifone can revise the proposed plan to observe the 25 and 50-foot buffer zones and submit to SCC for review
- D. Mitchell states that the new house plan must be submitted by August 12, 2005

Information to be submitted:

FINAL Approved 8/4/05

- Plan with IVW delineation for a site walk. Then a new design plan.

Hearing continued to August 18, 2005 at 7:30PM pending revised plans.

8:15 PM: PUBLIC HEARING

NOI: DEP 300-665. 150 Charlton Road, installation of injection wells. Environmental Compliance Services, Inc. representing William Babineau

D. Mitchell opened the public hearing, present were J. Smith and J. Matz from ECS. K. Doyle collected necessary public notification materials. K. Doyle reads to the SCC DEP comments and Mass Turn Pike comments (see file). K. Doyle states that this NOI was filed as requested by the Commission (previous Letter permit) and when K. Doyle accepted the NOI application, she recommended that the applicant submit revised plans showing the wetlands more clear. Plans have not been submitted prior to the hearing.

Applicant Comments-

- J. Smith submits new plans to the SCC.
- J. Matz states that he would accept Mass Highway's information.
- J. Smith starts to go over the purpose of the project. Chemical oxidation of the contaminated soils by hydrogen peroxide injections.

SCC Comments—

- K. Doyle states that the work is within the BVW and Riverfront Area.
- D. Grehl questions the amount of disturbance.
- D. Mitchell questions what type of machinery and equipment will be used in the wetland.
- D. Mitchell questions where the chemicals will be stored

Applicant Comments-

- J. Smith states that the injection wells are to be 4-in in diameter and installed by a drill rig. The machines will be rubber tired, all terrain vehicles.
- J. Smith states that new monitoring wells are also proposed for further assessment of the area. Clearing will be needed in order to install wells and maintain.
- J. Smith states that the hydrogen peroxide (HO₅) will be stored temporarily off property—possible on the gas station property. The HO₅ will be mixed with water and injected into the wells at once.

SCC Comments—

- D. Mitchell requests that the truck location is shown on the plan and that the injection point has some type of containment in case of a spill or leak.
- D. Mitchell questions what is the pressure of the injection.
- D. Grehl questions if DEP is onsite for injection.
- K. Doyle questions how often are the injections and the duration of the remediation.
- E. Goodwin states that the letter permit did not involve trenching. All the wells were to be injected one at a time by hand. Trenching will impact the wetland more
- SCC discusses the impact of the trenching.
- F. Damiano states he is concerned with a leak. He suggests homerun piping and installing a manifold to turn on and off for the injection. Homerun piping would be beneficial if there was a leak, you could shut off the area with the leak.
- K. Doyle states that a restoration plan is needed and must be included for review.

Applicant Comments-

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- J. Smith states that the pressure is 20 psi (low pressure). The injections will be once every 1-2 months for 2 years. The injection will take 1 full day each time. DEP will not be onsite. The well heads will be inspected prior to each injection. With the trenching, as little as possible of vegetation will be cleared. The HO₅ breaks down MBTE

SCC Comments—

- E. Goodwin not in favor of the grid method.
- SCC discusses the homerun piping vs. the grid method, SCC requests to see a comparison of wetland alteration with the two piping methods.
- D. Mitchell states that the monitoring wells are needed to be on the plan and the legend must show the difference of the monitoring wells vs. the injection wells.

Abutter Comments-

- A. Zumulas (127 Gifford Rd) questions where the wells are to be installed.
- C. Sylvestri (16 Belview Rd) questions what happens to the HO₅ once injected. Concerned with the HO₅ contamination

Applicant Comments-

- J. Matz states that the HO₅ breaks down over time in place. It is required by DEP to monitor the existing monitoring wells to see if it is spreading. There is no guarantee that the HO₅ won't travel off property but it is not likely.

SCC Comments—

- K. Doyle goes over what the SCC requests for next hearing: Equipment information and specifications, a revised plan showing the monitoring wells and injection wells, surface water samples, delineation of the disturbed area and restoration plan, and comparison between the methods.

Information to be submitted:

- Revised project plan and additional information (see above).

Hearing continued until August 18, 2005 at 7:50PM. Applicant agrees.

8:50 PM PUBLIC HEARING

NOI: DEP 300-664. 188 New Boston Road, Septic repair. Jalbert Engineering representing Charles Fey

D. Mitchell opened the public hearing, present was L. Jalbert. K. Doyle collected necessary public notification materials. K. Doyle stated that the project requires a variance from the Board of Health—septic repair within the 100-ft buffer zone to BVW

SCC Comments—

- D. Mitchell questions if that is the only location on property for the septic
- K. Doyle states the septic can go under driveway with a vent

Applicant Comments-

- L. Jalbert states that is the only location because of the elevations. You would have to raise the driveway for the septic.

SCC Comments—

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- E. Goodwin wants to visit the site.

Hearing continued until August 18, 2005 at 8:10PM. Site Walk 7/30/0. Applicant agrees

8:57 PUBLIC HEARING

ANRAD: DEP 300-663. 271 Cedar Street, wetland delineation approval. Gale Associates, Inc. representing Khan Realty Trust.

D. Mitchell opened the public hearing, present were Hans from Gale Associates and representatives from Khan Realty. K. Doyle requests the necessary public notifications (abutter green cards sent to SCC office), Hans states that the newspaper ad ran in the paper at least 1 week prior, however does not have a copy of the tear sheet. Hans will fax a copy of the legal ad first thing Friday morning. SCC agree it is fine to proceed with hearing. (K. Doyle received legal notice 7/25/05).

SCC Comments—

- K. Doyle states that the property is over 80 acres and the wetland resource areas delineated were BVW, Bank of a Perennial stream (with Riverfront Area) and some isolated wetlands—potential vernal pools.
- K. Doyle states that she plans on walking and reviewing the wetland delineation line with the applicant's representative who did the delineation.
- D. Mitchell questions the terrain of the property

Applicant Comments-

- Hans states that the property is about 93 acres and there are 4 potential vernal pools with egg masses present at the time of delineation.
- Hans stated that the original delineation was done in April by others and Gale Associates reviewed the delineation for the ANRAD submittal.
- Hans states that the property is heavily wooded in some areas—thick vegetation

SCC Comments—

- E. Goodwin states that he thinks a 3rd Party Review is required—property too big for Agent to review.
- D. Mitchell states that the SCC can recommend three 3rd party reviewers—to be at the Applicants expense.
- K. Doyle states that she will accompany the 3rd party reviewer for a portion of the review

Applicant Comments-

- Khan Realty and Hans accept the SCC recommendation of 3rd Party Review at their expense.

SCC Comments—

- E. Goodwin makes a motion to recommend three qualified wetland scientists to the Applicant. F. Damiano seconds the motion, All in favor: 4/0.
- K. Doyle to email the information to the Gale Associates.

Hearing continued to September 15, 2005 at 7:30 PM. Third Party Review should be completed by then. Applicant agrees.

9:22PM PUBLIC HEARING

NOI: DEP 300-666. 83 Cedar Street, house addition and clearing activities. Trevor Peloquin as property owner.

D. Mitchell opened the public hearing, present was T. Peloquin, property owner. K. Doyle collects the necessary public advertisement information. K. Doyle informs the SCC that this NOI filing is a result of an Enforcement Letter sent by the SCC for work within the buffer zone (tree clearing and trash dumping) without a permit. K. Doyle goes over the proposed work included in the NOI—the NOI includes work that was done in violation and new proposed work such as house addition and landscaping.

SCC Comments—

- o D. Mitchell questions the shed to be removed on property and requests that erosion controls are installed at the limit of work associated with the shed removal.
- o D. Mitchell requests that the erosion controls are revised to “hug” the house
- o D. Mitchell is requests roof drains and dry wells for the runoff—increase in impervious area
- o D. Grehl states that there is an increase in pavement and there will be an increase of water on the street, Cedar Street is flooded in that area.
- o E. Goodwin states that the trash/debris needs to be removed by hand first, prior to house addition

Applicant Comments-

- o T. Peloquin states that he plans on removing all debris at once, from the house demolition and near the wetlands. There will be a dumpster on property.
- o T. Peloquin is concerned with revising the plans

SCC Comments—

- o F. Damiano states that roof run-off details are required.
- o D. Grehl states that plantings in the 25/50 foot buffer zone should be shown on the plan (rear of the house).
- o D. Mitchell said that plantings in the 25 to 50 foot area in the rear of the house near the well would be efficient.
- o K. Doyle recites the requests of the SCC: revised plans showing erosion controls around the shed to be removed, erosion control revisions near the house, plantings within the 25 to 50 ft buffer zone in the rear of the house and stormwater run-off infiltration details.
- o E. Goodwin requests to visit the site.

Additional information to be submitted to SCC (see above)

Hearing continued until 8/18/05 at 8:20PM. Site Walk 7/30/05. Applicant agrees.

9:40PM PUBLIC HEARING

NOI: DEP 300-667 (Enforcement Order): 289 Clarke Road Extension, Ronald Bachand property owner. Proposed beach cleaning, and erosion control remediation.

D. Mitchell opened the public hearing, present was R. Bachand, property owner. K. Doyle collects the necessary public advertisement information. K. Doyle informs the SCC that this NOI filing is a result of an Enforcement Order sent by the SCC for ongoing erosion problems and a washout into Big Alum last year. The house construction was previously approved by a Negative Determination with Conditions. This is the second Enforcement Order issued by the SCC for the same consistent problems. K. Doyle goes over the proposed remediation improvements included in the NOI—Erosion Stabilization Plans, Drainage Plan and Beach Clean Out Plan. K. Doyle states that the Beach actually is the property of the Italian American Club and the SCC must require that the Club is actively involved with the process.

Applicant Comments-

- R. Bachand states that there is clean water coming off the property now. The erosion problem in the rear of the house is covered by a tarp. The geo-grid fabric to be installed consists of a straw that is to be stapled into the ground—not like the plastic netting originally used. He wants to soften the angle of the back yard and install a perimeter drain to defer the water to both sides of the yard, not just one.

SCC Comments-

- D. Mitchell states that this is not a do-it-yourself project. He should hire a contractor and get it done right.
- The SCC is concerned with the drainage proposed. Discussion back and forth of the drainage proposed.
- Discussion of the dry well capacity
- D. Mitchell states that vegetation is important and will help stabilize the yard but drainage needs to be engineered

Applicant Comments-

- R. Bachand states that he is going to do the landscaping –installing trees/ground junipers
- R. Bachand states that he just wants to install a perimeter drain to disperse the water. He cannot afford to get the drainage re-engineered. The alternative is to do nothing about the drainage and leave it the way it is. He hopes to re-grade the back portion—soften the slope, loam, geogrid and seed then install the vegetation. The surface drains will need to be re-installed correctly.

SCC Comments-

- K. Doyle states that these problems have been going on for over 1 year. SCC has documentation that last August the SCC issued an Enforcement Order and R. Bachand said he would remove the silt in the Lake—never happened.
- D. Mitchell questions the catch basin located on the road in the corner of the property and the Club
- E. Goodwin states that the SCC should approve the erosion plan as is and then talk about the beach clean out
- D. Mitchell is concerned with the method for cleaning out the silt. Hydrorake is for vegetation not silt removal.
- E. Goodwin questions if Shoreline Weed Control is aware of silt to be removed

Applicant Comments-

- R. Bachand states that the draw down of the Lake did not happen—that is why the silt is still there.
- R. Bachand states that the catch basin's outlet is blocked—no one knows where the blocked outlet is. He suggested cleaning out the catch basin but it is blocked. It overflows every year
- R. Bachand states that the Shoreline visited the property—the silt is 25 to 50 feet out off the bank. Silt fence and hay bales are to be installed and the silt will be brought up on shore and then immediately removed. Fabric will be placed over the bucket for the silt

SCC Comments-

- D. Mitchell states that it is the Italian American Club's beach—the SCC needs written approval from them to do the work. He is concerned with the turbidity in the lake when removing the silt.
- E. Goodwin does not think it is the right equipment to remove the silt. D. Mitchell agrees.
- E. Goodwin wants to meet on-site with the Shoreline Weed Control company
- D. Mitchell requests to continue the hearing—but the SCC should act on remediating the property
- F. Damiano makes a motion to accept the Erosion Stabilization Plan and the Drainage Plan as proposed and written (Attachment C). E. Goodwin seconds the motion. All in favor: 4/0.

FINAL Approved 8/4/05

- D. Mitchell states that the SCC would like to set up a meeting with Shoreline. K. Doyle to set up a meeting time and date.

Abutter Comments-

- J. Copeland is present—he is an abutter and a member of the Italian American Club. He states that the Club is aware of this submittal and aware of the beach clean up. He states that the contact for the Club may be Bill Patesta (sp?).

Hearing Continued to 8/18/05 at 8:30PM. K. Doyle to set up site walk with Shoreline Weed Control.

The SCC gave the applicant approval to proceed with the Erosion control and drainage plan as presented.

10:21PM PUBLIC DISCUSSION

Opacum Land Trust for discussion of Conservation Easements at the Preserve. DEP 300-471

D. Mitchell opened the discussion, present were C. Childress and H. Fife for Opacum Land Trust. K. Doyle briefed the SCC on the Conservation Easements vs. the Open Space at the Preserve. Property owners may not be aware of the Conservation Easements—as approved through the SCC Order of Conditions #100

Discussion:

- Conservation Easements vs. Open Space
- Recorded book and page
- K. Doyle recommends meeting with C. MacGregor to discuss this issue and ID the lots with Easements. Once all lots are ID, a letter should be sent to the property owners with the recorded book and page of the Easement description that states what can and cannot be done within the Easements.
- SCC agrees that needs to be done.
- K. Doyle to meet with C. MacGregor

10:35PM PUBLIC HEARING

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

D. Mitchell re-opened the public hearing, present was S. Morrison and the property owners. K. Doyle reads to the SCC Town Counsel's comments on the project. Town Counsel provided verbal comments via telephone conversation with K. Doyle regarding the easement documents drafted by the Applicant's Attorney (see file).

Applicant Comments-

- S. Morrison is concerned about the amount of time this project has taken to get approved. It is a financial burden to the Applicant.
- S. Morrison discusses the frustrations of the past few months.

SCC Comments-

- K. Doyle states that the easement documents drafted are not detailed enough. The Commission needs to feel comfortable that the wetlands will be protected long term
- F. Damiano requests markings in the field for the easements.
- E. Goodwin states that the property has too many houses and the wetlands will be spanned
- F. Damiano is concerned that the wetland will not be protected overtime.
- E. Goodwin states that the deed description does not meet what he requested. The description does not prove that the wetland will be protected.

Applicant Comments-

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- S. Morrison requests that the project move forward—it has been too long.
- S. Morrison requests that the SCC draft the Order of Conditions stating that more detailed deed descriptions will be submitted.

SCC Comments-

- E. Goodwin states that he will not approve the project unless the deed description states what he requested.
- D. Mitchell requests that K. Doyle draft an email to S. Morrison with all of Town Counsel's comments. Then the Attorney can re-write the deed description for next meeting.
- K. Doyle asks the SCC if any other issues other than the deed description. SCC states no other issues.
- D. Mitchell requests to look at the monitoring well information prior to next meeting.

Hearing continued until 8/18/05 at 8:50PM. K. Doyle to coordinate with Applicant Representative. Revised Deed Description of Easements to be submitted.

10:50PM NEW BUSINESS

Appointment: K. Rabbit for Draper Woods Extension DEP 300-469

- K. Doyle goes over with the SCC the recent Site Walk (see photos in file and email report). K. Doyle satisfied with project and recommends the Extension to be granted. SCC is satisfied and agrees to grant the three year Extension.

OTHER BUSINESS

Tabled and included:

- Signing of Order of Conditions and Extension permits
- FCP Extension for Breakneck Road: wait for D. Barnicle next meeting
- Discussion of DEP 300-514: 145 McGilpin Road: E. Goodwin reviews project plans which do not specify paved driveway or not.
- Discussion of Lake Monitoring: Fri 7/22/05 and Sat 7/23/05
- Discussion of 7/30/05 Site Walks
- Discussion of Next Public Hearing Dates: 8/4/05, 8/18/05, 9/1/05, 9/15/05, 9/29/05, 10/27/05 (No Hearing 10/13/05)

Motion to adjourn: 11:48PM