

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday August 4, 2005

MEMBERS PRESENT 7:00 PM

Board Members: D. Barnicle (Chair), D. Mitchell, D. Grehl, F. Damiano and E. Goodwin (7:13 PM)

K. Doyle for minutes

7:08 PM WALK INS / DISCUSSION OF SITE WALKS

- No Walk-Ins present
- SCC discuss Site Walks that took place on 7/30/05
 - 1) 266 Big Alum: Letter permit for retaining wall restoration. SCC approve work—to be done by hand. K. Doyle to write a conditioned approval letter permit
 - 2) 188 New Boston Road (DEP 300-664): SCC briefly discuss the location of the new septic system. SCC okay with plans.
 - 3) 125 Cedar Street: LP for tree clearing by Tetreault Forestry. SCC approve work but no clearing within 100-foot buffer zone (would require additional permitting) and hay bales at 200-foot buffer zone (clearing and stumps to be removed outside of 200-foot zone). Potential of erosion into buffer zone is possible. K. Doyle to write a conditioned approval letter permit.
- SCC to resume Site Walk review after all Public Hearings.

7:30 PM: PUBLIC HEARING

RDA: SCC # 05-16, 4 Cormack Road—J. Misiaszek, property owner. Proposed addition to house adjacent to Leadmine Pond.

D. Barnicle opens the public hearing, J. Misiaszek present. K. Doyle received all the necessary public meeting notifications (green cards from abutter notification and newspaper tear sheet) prior to the hearing on 7/29/05. J. Misiaszek submits photographs to the SCC for review.

SCC Comments-

- K. Doyle briefs the SCC on the project: 5x8 house addition to consist of a laundry room. Addition is proposed on an area that currently exists as a porch and the existing house separates the work from Leadmine Pond. Work is within 80-feet of the Pond, but K. Doyle sees no impact potential to the Lake as a result of the project. K. Doyle states that she has not visited the site, however the applicant has submitted photographs for review. K. Doyle states the applicant is looking for a Negative Determination from the SCC.
- D. Barnicle states that he has no problems with the project, F. Damiano seconds.
- E. Goodwin questions the footings of the laundry room, where will the pile digs be located? Hay bales are needed for pre-cautionary measures. Is a perimeter drain needed?

Applicant Comments-

- J. Misiaszek states that a spoil pile will be stocked in front of the house only temporarily. The house is more than 40-feet from the Lake. The front of the house slopes to the south—away from the Lake. Water moves away from the house and not towards the Lake.
- J. Misiaszek states that he has no problem installing hay bales. Hay bale locations are marked on the plan.

SCC Comments-

- o D. Mitchell makes a motion to issue a negative Determination with hay bales to be installed. F. Damiano seconds the motion. All in favor: 5/0. Discussion of conditions: spoil pile to be removed immediately and hay bales to be installed as marked on the plan.

Hearing closed and a Negative Determination with conditions is to be issued. SCC to sign permit next hearing 8/18/05.

7:45 PM – PUBLIC HEARING

RDA: SCC #05-18, 215 Charlton Road Xtra Mart. Decker & Company representing Drake Petroleum for pump island expansion work.

D. Barnicle opens the public hearing, C. Decker present from Drake Petroleum/Xtra Mart. K. Doyle received all the necessary public meeting notifications.

SCC Comments—

- o K. Doyle briefs the SCC of the project, expansion of the gas canopy. Increase of impervious area, but no increase of edge of pavement to wetland.
- o E. Goodwin questions if the area is marked off on site
- o D. Mitchell questions how the work is to be done, breaking of the existing pavement of the landscaped area?
- o K. Doyle questions an area of stock piling
- o D. Barnicle questions the stormwater management of the parking lot

Applicant Comments-

- o C. Decker states that the proposed curb cut is actually the location of the curb that was previously approved. The location of the oil/water separator prevented the location of the curbing in the right location. The retaining wall is a versa lot modular system with geo-grid. The existing oil-water separator can take the weight of a heavy truck, the original separator (that was never installed) could not withstand the weight of a heavy truck.
- o C. Decker has no problem of marking the proposed work in the field.

SCC Comments—

- o D. Barnicle wants it clear on the plan the stock piling of soils
- o D. Barnicle questions the increase of impervious area and the effect on the stormwater management system.
- o E. Goodwin questions why the canopy could not be expanded on the other side of the gas station.
- o D. Barnicle questions the review of the fire and police/ Board of Selectman.

Applicant Comments-

- o C. Decker states that he can revise the plan to show the temporary stock pile
- o C. Decker states that the small increase of impervious surface will not affect the existing stormwater system.
- o The canopy cannot be expanded on the other side of the gas station due to traffic problems and the traffic patterns of the property
- o After Conservation, the applicant plans on obtaining all other necessary permits.

SCC Comments—

- o F. Damiano would like to visit the site once the work area is marked off.
- o Applicant to submit a revised plan showing the stock pile locations.

FINAL Approved 9/1/05

- o SCC decides to visit the property on their own and the SCC will vote on the project on 8/18/05 at 7:20pm— pending receipt of revised plans.

Information to be submitted:

- o Revised project plan showing the stock pile location.
- o Project location to be marked in the field as soon as possible.

Revised plans to be submitted and hearing continued until August 18, 2005 at 7:20PM for a vote. Applicant agrees.

8:00A PM – PUBLIC HEARING

RDA: SCC #05-19, 126 Walker Pond Road—Mark & Kelly Macero property owners. Proposed house addition/garage.

D. Barnicle opens the public hearing, M. and K. Macero present. K. Doyle received all the necessary public meeting notifications earlier in the day on 8/4/05.

SCC Comments—

- o K. Doyle briefs the SCC on the project. RDA filed under local by-law only because all work is within the 200-foot local buffer zone. K. Doyle states that in addition to the house addition and driveway, the car port is going to be enclosed to be a porch.
- o D. Mitchell questions the location of the erosion controls and if the work will impact the septic system
- o D. Grehl questions if there is a lot of run off from the property and into the roadway or wetlands

Applicant Comments-

- o M. Macero states that in 1996 they got a new septic system and it is fine, and no run-off is apparent from the property.
- o M. Macero states that the area of the proposed driveway is existing as a dirt access road. There is a boat stored on the property near where the addition is going to be located.

SCC Comments—

- o D. Barnicle states that there needs to be a site visit, E. Goodwin seconds that.
- o D. Mitchell questions stock piling associated with the foundation
- o D. Barnicle states that he can visit the site with K. Doyle on Tuesday of next week (8/9/05) if the applicant will stake out the corners of the house addition.
- o E. Goodwin proposes that the Commission vote at the next hearing pending the site visit.

Applicant Comments-

- o M. Macero states that J. Lander is the contractor and that he will have the corners staked out for next Tuesday.

Site Walk to take place on Tuesday 8/9/05. Hearing continued until 8/18/05 at 7:20PM for a Vote. Applicant agrees

8:00B PM – PUBLIC HEARING

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

FINAL Approved 9/1/05

D. Barnicle re-opens the public hearing, L. Jalbert present from Jalbert Engineering. K. Doyle informs the SCC that revised plans have been submitted since the last public hearing. The revised plans show plantings and the leaching pit.

SCC Comments—

- o F. Damiano is concerned with protecting the wetland and not maintaining shrubs. The plantings on the plan do not address the tree clearing that took place without a permit.
- o D. Mitchell states that the plantings are cosmetic plantings
- o F. Damiano agrees and that the plantings are not a benefit to the wetlands and/or the buffer zone. Trees should be put back into the buffer zone.
- o D. Mitchell suggests adding plantings to the slope within the 100-foot buffer zone.

Applicant Comments-

- o L. Jalbert states that he has to ask his client before agreeing to any type of plantings. As of now, the plan shows a grass to cover the slope for stabilization.

SCC Comments—

- o D. Barnicle questions if other lots in the development were cleared illegally.
- o D. Barnicle expects plantings to be substantial in the buffer zone, previous abutter comments.

Applicant Comments-

- o L. Jalbert states that the other lots were probably not cleared illegally
- o L. Jalbert states that he has to run the extra plantings by his client

SCC Comments—

- o E. Goodwin states that he rather wait for the revised plan with the plantings before a site walk. D. Barnicle agrees
- o F. Damiano is also concerned with the amount of impervious area and the drainage down the driveway.
- o D. Mitchell states that he would like to see a definite plan for restoration of the tree clearing

Applicant Comments-

- o L. Jalbert states that the driveway run-off will be sheet flow

Abutter Comments-

- o C. Cutts states that the work was done without a permit, which hurts the community. The trees that were cleared were over 50 years old.

Information to be submitted:

Revised plan with substantial plantings in the 100-foot buffer zone

Hearing continued to September 1, 2005 at 7:50 PM pending receipt of revised plans. Plans should be submitted prior to August 18th so the Commission can set up a site walk. Applicant agrees.

8:20 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.

FINAL Approved 9/1/05

D. Barnicle re-opens the public hearing, D. Flynn (Flycon Homes), A. Trifone (Trifone Design) and S. Morrison (EcoTec) present. D. Grehl recuses herself from the meeting—President of the Lake Association. K. Doyle goes over the revised plans submitted since the last public hearing.

SCC Comments—

- o K. Doyle states that the revised plans show that all details of the replication area have been removed. The plans show that the amount of disturbance in the wetland is 800 square feet and the swale details have been added.
- o D. Mitchell questions if the applicant can install the swale so close to the road, what can a property owner do to a private way?
- o F. Damiano states that realistically, the applicant owes the Commission 1,600 square feet of wetland. F. Damiano questions S. Morrison if he feels the installation and maintenance of the swale is good remediation instead of 1600 sq ft of replication?

Applicant Comments-

- o S. Morrison states that the property owners own to the centerline of the roadway.
- o D. Flynn states that G. Morse (DPW Director) suggested and approved the infiltration trench (swale). The depth of the swale will have to be approved by G. Morse.

SCC Comments—

- o D. Barnicle questions if G. Morse agrees with the regarding of the fill area near the swale. He states that the Lake roads have a historical problem and the Commission needs insurance that the DPW is on board with this remediation.
- o F. Damiano states that a guardrail of some other type of protection is warranted.
- o F. Damiano questions the Commission if the Commission feels that the wetland is benefiting from the swale. What is the value of the wetland replication area verses the construction of the swale?
- o K. Doyle states that if a replication area was to be constructed, the applicant would have to purchase hydric soils for the wetland. Typically, projects that construct replication areas utilize the hydric soils from another area on site that gets “filled”
- o E. Goodwin questions the fill area near the side of the road. Is the swale in the fill area, he would like it to be located on the plan.
- o D. Mitchell is concerned with the pitch of the road and if the swale will collect all of the runoff.
- o K. Doyle states that the property owner must maintain the swale and it will have to be part of the Order of Conditions, as an on-going condition
- o D. Barnicle states that plantings should be put in near the road.

Applicant Comments-

- o S. Morrison states that dollar to dollar the project is okay. The swale will work well to treat the run-off from South Shore Drive. It will be an improvement to the area. Right now the roadway just washes into the wetland.
- o A. Trifone states that plastic reflectors can be installed along the roadway.

SCC Comments—

- o D. Mitchell questions the outlet to the perimeter drain
- o D. Mitchell questions the area of disturbance near the perimeter drain outlet
- o E. Goodwin states that there are three things that he would like to see: the swale marked in the field, written approval by DPW for the swale and roadway work and a planting plan in the fill area—erosion control mix and plants that will benefit the community.
- o D. Barnicle states that the markings on the road should be seen by G. Morse.

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- D. Barnicle wants to know how the swale will work overtime—G. Morse should be able to address it.
- D. Mitchell requests G. Morse to comment on the responsibility of the property owner of the swale, how should the property owner maintain and clean the swale.

Applicant Comments-

- D. Flynn states that the perimeter drain is already re-located. That area did not receive jute-mesh but it has been hayed and seeded twice.
- D. Flynn requests the Commission to allow him to start the plantings of the Junipers along the top of the slope near the house.

SCC Comments—

- E. Goodwin makes a motion to allow the juniper plantings, D. Mitchell second. All in favor: 4/0.
- K. Doyle states that revised plans need to be submitted to the Commission. The revisions need to include all of E. Goodwin's comments and erosion controls at the trench/swale location.

Information to be submitted:

Revised plans (see comments from above)

Hearing continued pending revised plans to 9/1/05 at 8:10PM. Site Walk is to be scheduled once plans are received. Applicant agrees.

8:45 PM – PUBLIC HEARING

RDA: SCC #05-21, Mass Highway Re-paving/roadway improvements on a portion of Route 20 near the Charlton Town Line.

D. Barnicle opens the public hearing, A. Sullivan present from Mass Highway. K. Doyle receives the necessary public meeting documents submittals (tear sheet from newspaper). K. Doyle goes over the project plan—Mass Highway is proposing to repave Route 20—has been going on in Charlton, now the project is entering Sturbridge. The portion is Sturbridge is small, from the Charlton Line to approximately Picker Road.

SCC Comments-

- E. Goodwin questions the clean out of the sumps.
- D. Mitchell questions the machinery involved with the process

Applicant Comments-

- A. Sullivan explains the process involved, Mass Highway is proposing to repave Route 20. Also the catch basins will be cleaned out and the bottom of the hill near the church, Phragmites will be cleaned out of the swale.
- All materials will be swept from the roadway, not much stockpiling
- The work should take about 1 day

Abutter Comments-

- A. Zumulus present and questions the culvert near the intermittent stream and if it will be cleaned.
- A. Zumulus states that the culvert has never been cleaned

SCC Comments-

- D. Mitchell questions the size of the culvert.

Applicant Comments-

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- A. Sullivan questions if the stream backs up.
- A. Sullivan states that she believes the culvert is a 42-inch culvert.
- A. Sullivan states that Mass Highway is contracted to clean the pipes/culverts.

SCC Comments-

- D. Mitchell would like the SCC to have the Route 20 layout that A. Sullivan brought to the hearing.
- Conservation Commission decides to have a site walk on August 20, 2005.

Hearing Continued to 9/1/05 for a vote at 7:20PM. A Site Walk is to be on 8/20/05 and K. Doyle will email A. Sullivan with any concerns. A. Sullivan leaves the Commission a copy of the plans. Applicant agrees.

9:00 PM – PUBLIC HEARING

NOI Under the Bylaw, SCC# 05-20. 176 Cedar Street, Proposed Laurel Woods Subdivision. EBT Environmental Consultants representing Escape Estates, Inc.

D. Barnicle opens the public hearing, A. Cormier present from Escape Estates. K. Doyle receives the necessary public meeting notification submittals. K. Doyle briefs the Commission of the project. NOI filed under the local Bylaw Only because all work is located within the 200-foot buffer zone. Project consists of a cul-de-sac with 9 house lots. Houses are to be permitted separately. Sewer main is proposed within Cedar Street.

SCC Comments-

- K. Doyle states that she checked online and no PVP are present on property. She mentions that she still would like to walk the property to see the resource areas.
- D. Mitchell questions the Open Space.
- D. Barnicle questions the amount of tree clearing

Applicant Comments-

- A. Cormier states that there is approximately 5 acres of land that will be deeded Conservation Land.
- A. Cormier states that Lot 9 will not be developed. The owners are possible going to subdivide the land to give the abutters the chance to purchase sections that abut their property. The property owner is in the process of talking to the abutters, there is an agreement with the Planning Board and the Board of Selectman that Lot 9 will not be part of the subdivision.
- A. Cormier states that there is going to be revisions to the detention basin proposed. G. Morse suggested a gravel road through Parcel A—this would be within 200-feet of the wetland. There is a Planning Board Hearing on 8/9/05 for this project.

SCC Comments-

- D. Barnicle questions the size of the lots.
- E. Goodwin questions if the roadway could be shifted to stay out of the 200-foot buffer zone
- D. Barnicle questions if wells are to be installed.

Applicant Comments-

- A. Cormier states that the lots are $\frac{3}{4}$ acre and 150 feet is the required frontage.
- A. Cormier states that if the roadway is to shift, the lot acreage will be altered.
- A. Cormier states that currently all new wells are proposed, private well and public sewer.

SCC Comments-

- F. Damiano is concerned with the wetland impact of 9 wells.

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- D. Barnicle states that if a home has private well and public sewer, the house is sucking out the Sturbridge aquifer—withdrawing Sturbridge groundwater and leaving town through the sewer.
- E. Goodwin questions if the Open Space land will be accessible
- K. Doyle states that a gravel area is preferred
- D. Grehl questions if trees are to be planted.

Applicant Comments-

- A. Cormier states that the Selectman need to approve of a water main into Cedar Street.
- A. Cormier states that there could be parking available for the Open Space.
- A. Cormier states that there are going to be plan changes by the Planning Board, requests a continuance.

SCC continues the Hearing until 9/1/05 at 8:30PM. A Site Walk is to be scheduled once plans are received. Revised plans should be submitted prior to 8/23/05. Applicant agrees.

9:20 PM – PUBLIC HEARING

RDA: SCC# 05-22, New Boston Road Extension Fields. Town of Sturbridge Recreation Department for field improvements

D. Barnicle opens the public hearing, G. Dib present from Sturbridge Little League. K. Doyle receives the necessary public meeting notification submittals. K. Doyle briefs the Commission of the project, Negative Determination expired prior to the start of work. Work has slightly changed since original submittal, cement slab dugouts now proposed vs. cinder block dugouts.

SCC Comments-

- D. Mitchell states that a site walk is warranted because the wetland may have changed.

Applicant Comments-

- G. Dib states that there are benches where the dug outs are proposed. Dugout 1 is to have a storage cabinet. The dugouts are to be approximately 12x28-foot slabs—identical to the dugouts at the Burgess field. Fencing will be installed and dugouts will be as close to the fence as possible.

SCC Comments-

- K. Doyle questions if trash receptacles are present.
- K. Doyle questions the amount of dredging associated with the installation of the concrete slabs.
- D. Barnicle wants to do a site walk and have the dugouts staked.
- The Commission discusses how close the wetland is to the dugouts.

Applicant Comments-

- G. Dib states that approximately 8-inches will be dredged out for stone and sand then the concrete. The American Legion will do the work.
- The dugout locations will be staked for a site walk. He will notify the SCC office.

Hearing continued until 9/1/05 at 8:50PM pending Site Walk. Applicant agrees.

9:30PM OTHER BUSINESS

SCC resume 7/30/05 Site Walk review

FINAL Approved 9/1/05

- 4) DEP 300-666: 83 Cedar Street—NOI for House addition and illegal tree clearing: perimeter drain to be installed. Hay bales to be relocated. Property Owner onsite and stated that some saplings are to be removed to expose boulders. K. Doyle to email applicant and request these additional items on the plan.
- 5) 126 Lane 10 (off New Boston Road and South Pond)—LP received for removal of tree: Only one tree is to be cut. Natural Heritage is on property. K. Doyle to write a Letter of approval for one tree and notify the prop owner of Natural Heritage.
- 6) 13 Library Lane South, Dan Hennessy—LP received for house addition and handicap ramp. E. Goodwin states that the work is way too close to the pond. He makes a motion to not grant a waiver from the 25-foot and 50-foot buffer zone, D. Grehl seconds, all in favor: 5/0. K. Doyle to write a denial Letter.
- 7) 6 Ridge Hill Road, Proposed gardening near Isolated wetland—LP received AND 12 Ridge Hill Road (DEP 300-662)—Check out Isolated wetland: D. Barnicle states that the isolated wetland on 12 Ridge Hill property needs to be looked at by K. Doyle. And D. Barnicle states that the Commission needs a better explanation from the property owner of 6 Ridge Hill for what he intends to do.
- 8) DEP 300-665: 150 Charlton Road—NOI for Injection Wells: SCC requests to meet onsite with the Applicant. A lot more tree clearing proposed than realized. K. Doyle to set up a site walk with applicant.
- 9) 274 Big Alum Road (DEP 300-588) House construction (no Recording Info in file) and Cabins 280 & 282—C. Rice verbal complaint about sewer project causing runoff into Lake: At 274 Big Alum Road, the hay bales need to be updated. K. Doyle to send letter requesting that the Order be recorded and the hay bales be updated or Enforcement. SCC could not find the erosion problem. K. Doyle to request complaint in writing.

OTHER BUSINESS

Tabled and included:

- Vote to approve Hearing Minutes of 7/7/05 and 7/21/05. D. Mitchell motions to accept the minutes of 7/7/05 and 7/21/05, E. Goodwin second the motion. All in favor: 5/0.
- Discussion of Saturday 8/6/05 Site Walk: Clarke Road Extension Beach
- Discussion of Breakneck Road Forest Cutting Plan Extension: 4/1 in favor of extension—D. Grehl abstained.
- Discussion of 37 Breakneck Road Forest Cutting Plan—K. Doyle to contact Forester and inform of the local process.

Motion to adjourn: 11:32PM