

## **STURBRIDGE CONSERVATION COMMISSION (SCC)**

### **Minutes for Thursday September 1, 2005**

#### **MEMBERS PRESENT 7:09 PM**

Board Members: D. Barnicle (Chair), D. Mitchell, F. Damiano, D. Grehl, and E. Goodwin (7:17PM)

J. Hoffman, Associate Member

K. Doyle for minutes

#### **7:10 PM WALK INS**

##### 1) Tetreault Forestry for property at 125 Cedar Street (Letter Permit SCC 05-23)

- Present: M. Dhembe and Tetreault Forestry
- Discussion of Letter Permit discrepancy: removal of stumps
- Tetreault states that no stumps are to be removed and that only pines are to be taken down. Hay bales are not necessary.
- D. Barnicle states that it was a misunderstanding, he thought that stumps were to be removed outside the 200-ft buffer zone—reason for the hay bales.
- E. Goodwin makes a motion to revise the Letter Permit to state that hay bales are not necessary due to the stumps remaining in place. D. Mitchell seconds the motion. All in favor: 5/0.
- Tetreault requests that the SCC also re-consider removal of trees within the 100-ft buffer zone (only 3-4 trees).
- D. Barnicle questions how the trees will be removed. Tetreault states with chainsaw and forwarder.
- E. Goodwin states that he has no problem with the removal of the trees within the 100-ft buffer zone. D. Grehl states that the trees are large and once gone there is nothing you can do about it. It is not necessary to remove 3-4 more trees in the state buffer zone. F. Damiano states that the SCC made a decision about the tree removal and they must stick with their decision.
- D. Mitchell makes a motion to allow the trees within the 100-ft buffer zone to be removed. D. Barnicle seconds the motion. All in favor: 1/4. E. Goodwin in favor—majority votes to not remove the trees.

##### 2) 98 Paradise Lane Enforcement Order: D. Kaitbenski (DEP File 300-617)

- Present: D. Kaitbenski and M. Detarando
- K. Doyle states that the SCC visited the property on 8/20/05 and noticed that the erosion controls were not satisfactory and not installed in accordance to plan. SCC visited the property as a result of a complaint of the work.
- D. Kaitbenski explains the situation, erosion controls could not be installed while the tree was being taken down. He called SCC on 8/26/05 to inspect erosion controls, he did not call prior to that so does not know why SCC was out inspecting on 8/20/05.
- D. Mitchell questions why the concrete pad was broken up, shovel marks and evidence of heavy equipment without proper erosion controls. D. Grehl questions the erosion controls along the property line. D. Barnicle states that there was no silt fence, hay bales were not staked etc.
- M. Detarando states that he agrees with the SCC, the erosion controls were not installed correctly.
- D. Kaitbenski states that the SCC saw temporary hay bales on 8/20/05 and that the property now has property erosion controls.
- D. Barnicle states that the SCC will do a site visit and get back to M. Detarando relative to the Enforcement Order, most likely in the next week.

**7:23 PM – VOTE: RDA: SCC #05-21, Mass Highway Re-paving/roadway improvements on a portion of Route 20 near the Charlton Town Line**

- A. Sullivan present for Mass Highway
- K. Doyle briefs the SCC of their site walk on 8/20/05 and discusses the SCC request to have the culvert cleaned out and rip-rap added to help protect the nearby wetland from sediment.
- A. Sullivan questions which culvert needs the rip-rap. D. Barnicle explains that the culvert had a blow-out and sediment is traveling to a bordering vegetated wetland. The culvert is north of Route 20.
- A. Sullivan stated that it is part of the mass highway contract to clean out the culverts.
- A Szumilas (abutter) states that the culvert has not been cleaned out for some time. C. Sylvestry (abutter) states that vegetation can be seen at the top of the culvert.
- D. Barnicle states that if the culverts are to be cleaned out (2 culvert crossings on the project route in Sturbridge) and the rip-rap is to be added at the outlet of the large culvert (culvert location determined on the plan) then the project is okay.
- E. Goodwin makes a motion to issue a Negative Determination with conditions. D. Mitchell seconds the motion. All in favor: 5/0

*Hearing closed and Negative Determination with conditions to be issued. Applicant agrees.*

**(7:25 PM) – VOTE: NOI CONTINUED: DEP 300-665. 150 Charlton Road, installation of injection wells. Environmental Compliance Services, Inc. representing William Babineau**

*APPLICANT REQUEST CONTINUANCE FOR 9/15/05 AT 7:20 PM*

**7:40 PM – PUBLIC HEARING**

**NOI: DEP 300-671. 79 Main Street: Proposed Parking Lot Expansion. Jalbert Engineering for JMJ Properties, Inc.**

L. Jalbert from Jalbert Engineering, Inc. requests to start the 79 Main Street Public Hearing at a later time—as a favor to C. Rice and V. Roscioli present to speak to the SCC as a Walk In. D. Barnicle agrees.

3) WALK IN: C. Rice and V. Roscioli present to discuss erosion problems at 280 Big Alum Road.

- K. Doyle states that the SCC visited the property on 8/20/05 and issued a response letter to the property owner (C. Rice) stating that there is an erosion problem and it cannot be determined if it is a direct result of the sewer project. Property Owner is responsible for correcting erosion problem.
- E. Goodwin states that the problem may very well be from the Town Sewer project, but the SCC cannot get into Town Politics. The SCC job is to manage the MA Wetland Protection Act and make sure the Lake is not damaged.
- D. Barnicle states that the sewer project is good for the Lake (no more faulty septic systems) and the erosion on property needs to be controlled, the property owner is responsible and needs to ensure that erosion does not go into the Lake.
- C. Rice and V. Roscioli state that the vegetation removed as part of the sewer project was not returned, cause of the erosion. The road was repaired but in the area where the grinder pump was installed was not restored—erosion problem there.
- Discussion of problems from sewer project: undergrowth removed causing erosion, run-off never went down the same path etc.

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- E. Goodwin suggests that the erosion can be controlled if 2-inch stone is installed off the back parking area. E. Goodwin states that the property owner is responsible for the erosion, hay bales should be installed in the meantime.
- C. Rice and V. Roscioli request a letter of support from the SCC that the erosion problem is from the sewer project.
- D. Barnicle states that he recommends setting up a site walk with the property owners and maybe DPW to discuss the issues, but the property owner is responsible for controlling the erosion. K. Doyle to set up site visit and contact C. Rice and V. Roscioli.

**7:54 PM – PUBLIC HEARING (scheduled for 7:30PM)**

NOI: DEP 300-671. 79 Main Street: Proposed Parking Lot Expansion. Jalbert Engineering for JMJ Properties, Inc.

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts from Jalbert Engineering, Inc. and J. Morrison from JMJ Properties present. K. Doyle receives the property public hearing notification information (green cards from abutter notification and tear sheet from newspaper).

SCC Comments-

- K. Doyle briefs the SCC on the project and discusses her initial concerns, erosion controls at the 25-foot buffer (limit of work).

Applicant Comments-

- J. Morrison states a building addition is already being constructed. Someone on the Conservation Commission gave the okay for the addition at a previous Planning Board hearing.
- J. Morrison states that the project was in front of the Planning Board for Site Plan Review.

SCC Comments-

- D. Barnicle questions why the hay bales are at the 25-foot no touch zone. The SCC did not know about the project phasing. If the first phase is with the building addition, then the hay bale should not be at the 25-foot zone.
- E. Goodwin questions the zoning intensity regulations and the combining of Residential and Commercial Zoning. He urges the Applicant to look at the Zoning Regulations, the intensity numbers are separated by zones.
- D. Mitchell questions what is the proposed work?
- K. Doyle is concerned with the outlet being so close to the Property Line.

Applicant Comments-

- D. Roberts states that the lot coverage combines Residential and Commercial Zone.
- D. Roberts states that 20 parking spots are proposed in the parking facility. New storm water management system is proposed that includes the 100-year storm event.
- D. Roberts states that out of the 50-foot buffer zone the property is to be in the natural state—landscaping plan

SCC Comments-

- D. Mitchell questions the area proposed for snow storage
- D. Barnicle states that the outlet structure is in the 50-foot no permanent structure zone.
- D. Grehl states that there is no reason why the outlet discharge has to be in the 50-foot no structure
- D. Barnicle states that a site walk is needed. D. Mitchell states that the outlet should be staked in the field and the property line.

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- D. Barnicle states that he is concerned with the drainage. The Site Walk is TBA, he will let D. Roberts know when it is scheduled—D. Barnicle requests that D. Roberts is available for the site walk.

*Hearing continued to September 29, 2005 at 8:10PM, pending the site walk TBA. Applicant agrees.*

**8:15 PM – PUBLIC HEARING**

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

D. Barnicle re-opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering and abutters present (see sign in sheet).

SCC Comments—

- K. Doyle informs the Commission of the revised plans submitted to the office on 8/29/05, not enough time for a site walk. The revisions include additional plantings (seven white pine saplings). K. Doyle states that the office received a letter from an abutter on 8/26/05, which she forwarded to the Commission via email.
- D. Barnicle reads portions of the abutter's letter to the Commission.
- F. Damiano questions the amount of clearing. K. Doyle shows the Commission of the photographs she took in June of the property.
- D. Barnicle states that 7 pine trees are not a good indication of what was most likely existing on property prior to the illegal clearing—by looking at the immediate abutting properties and the rest of the subject property. He previously requested restoration of a site that was cleared without the benefit of an approved plan.

Applicant Comments-

- D. Roberts shows the SCC recent photographs (not submitted into file)
- D. Roberts states that 7 pine trees are proposed by his client in response of what the SCC has requested.

SCC Comments—

- D. Barnicle questions L. Jalbert if he wishes to close the public hearing and get a vote.

Applicant Comments-

- L. Jalbert questions if the SCC can condition the project.
- L. Jalbert states that the plans are done on behalf of the landowner (Dirlam) and Soper the Landscaper (all work to be done by Soper). They do not want to degrade the site. The development is under constraints such as trying to be compatible and consistent with the abutter homes/properties
- L. Jalbert states that the plan reflects what the client wishes
- D. Roberts states that the amount of earth work would have killed the trees regardless.

SCC Comments—

- F. Damiano states that the project's consistency with the development is not a concern of the SCC
- D. Mitchell questions why doesn't the plan reflect consistency with original vegetation composition
- F. Damiano questions how more trees could devalue the property?
- E. Goodwin requests that the Commission votes on the project to approve the plan. The Commission and the applicant have gone around on the subject for some time.
- E. Goodwin makes a motion to accept the plan as is. D. Mitchell seconds the motion. All in favor: 0/5. All members opposed to accepting the plan as is.
- Discussion: Seven white pine saplings are not sufficient for remediation of clearing within the buffer zone without a permit.

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- D. Mitchell makes a motion to close the public hearing. E. Goodwin seconds the motion. All in favor: 5/0.

Applicant Comments-

- L. Jalbert states that the client will not come to the Commission with another plan.

*Hearing closed and a Denial Order of Conditions is to be issued.*

SCC Discussion—

- K. Doyle states that the property is going to exist as bare land
- J. Hoffman states that the Commission needs to put an Enforcement Order on the property—clearing done within violation and no permit approval. The Enforcement Order should request that the Property Owner come back to the Commission with new project plans or planting plan.
- E. Goodwin makes a motion that the SCC issues an Enforcement Order, D. Mitchell seconds. All in favor: 4/0.
- (D. Grehl not present for Enforcement Order vote and L. Jalbert and D. Roberts not present for Enforcement Order vote).

### **8:30 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-opens the public hearing, D. Flynn from Flycon Homes, and A. Trifone from Trifone Design present. D. Grehl recuse herself from the hearing—President of the Lake Association.

SCC Comments—

- K. Doyle summarizes what has gone on from the last public hearing—SCC conducted a site walk on 8/20/05.
- D. Mitchell requests that the bollards are extended along the swale, 5 bollards is acceptable. It will protect the swale and prevent people from parking there.
- D. Barnicle states that the bollards should be kept at a distance.
- D. Barnicle & D. Mitchell both comment that the swale on the east side of the driveway is a good suggestion from G. Morse.
- K. Doyle questions the driveway, how it will be pitched and the paving of the driveway. K. Doyle reads the letter from EcoTec regarding the driveway to be paved and not impact the wetlands.

Applicant Comments-

- D. Flynn states that the driveway will be pitched to the southeast to have the runoff collect in the swale. The swale will protect the runoff from going into the roadway and eventually into the wetlands.

SCC Comments—

- E. Goodwin states that at some point in time, there will be problems at that corner on South Shore. That the swale is an improvement but not a solution.
- K. Doyle goes over some plan changes with the Applicant: driveway information, bollards, name of the plan etc.
- E. Goodwin makes a motion to approve the plan and issue the Amendment to the Order of Conditions. D. Mitchell seconds the motion. All in favor: 4/0.

SCC Discussion-

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- D. Flynn questions if the Enforcement Order can be lifted.
- K. Doyle states that once the Amendment Order is issued, it will need to be recorded at the Registry.
- E. Goodwin sees no issue with lifting the Enforcement Order, he makes a motion to lift the Enforcement Order. F. Damiano seconds. All in favor: 4/0.

*Hearing closed and an Amendment to the Order of Conditions approving the project is to be issued. K. Doyle will issue the Original to D. Flynn. The Enforcement Order is lifted. Applicant agrees.*

### **8:53 PM – PUBLIC HEARING**

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

D. Barnicle re-opens the public hearing, A. Cormier from Escape Estates is present.

SCC Comments—

- K. Doyle states that since the last hearing, revised plans have been submitted to the Conservation Office and she attended a site walk with A. Cormier to inspect the wetland delineation. The wetland delineation seemed to be accurate—there is a wetland across from the street and behind houses and the other BVW is located to the north of the property. The centerline of the road is flagged and the limits of the roadway.
- E. Goodwin states that he would like the SCC to have a copy of the Open Space documents and deed.
- E. Goodwin makes a general statement in regards to permanent markers in the field for the wetland resource areas.
- K. Doyle states that the wetlands are off property, but when wetlands are on the subject property, that is a good idea.
- D. Grehl requests clarification of the proposed drainage of the roadway.

Applicant Comments-

- A. Cormier states that the revised plans include a change in the detention basin size and access to the detention basin. The abutter is happy with the detention basin changes and the idea of the basin is to collect the water and treat the water, but not to interrupt the natural flow of water of the property. The property is sloped to the north/northeast and the property will remain to drain in that direction. Planning Board next meeting on the project is September 13, 2005.

SCC Comments—

- D. Grehl questions if the land is to be leveled out.
- D. Grehl questions the drainage coming out onto Cedar Street

Applicant Comments-

- A. Cormier states that the grade of the property is to remain. Tree clearing will be minimized by offering a 20-foot buffer in front of the lots (trees to line the roadway). Additionally, a 30-foot wide tree buffer will also be on the sides of the lots and 2/3 of the rear of the lots will remain uncut.
- A. Cormier states that the Order of Conditions can include hay bales at the construction entrance to be installed after every work day to help eliminate the runoff from entering the street during construction.

SCC Comments—

- K. Doyle states that the Notice of Intent is just for the roadway and stormwater management system, individual lot preparation and house construction will have to come to the SCC with individual permits.
- D. Mitchell states that he would like to have a site walk, a 9-lot subdivision should be walked by the SCC.
- SCC agrees that a site walk is needed and the hearing is continued until September 29, 2005 at 8:30PM.

*Hearing continued to 9/29/05 at 8:30PM pending a site walk by the Commission. Applicant agrees.*

**9:10 PM – PUBLIC HEARING**

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

D. Barnicle re-opens the public hearing, G. Dib present from Sturbridge Little League.

SCC Comments—

- K. Doyle states that since the last hearing, she and D. Barnicle walked the site. The proposed dugout on the north side of the field is separated from a Bordering Vegetated Wetland by an earthen berm with trees. She was concerned with the removal of the earthen berm and the removal of the large trees.
- D. Barnicle questions if the dugout could move closer to home plate, or if the other dugout could be constructed first and see how that comes out prior to constructing the dugout closest to the wetlands.

Applicant Comments-

- G. Dib states that the Little League is flexible. The dugout size is too large, the plan shows a 28-ft dugout—a 24-ft dugout would be fine. The work can stay away from the berm without a problem.
- G. Dib states that he walked the property with T. Chamberland—Tree Warden, and noticed that a lot of dead trees are on the property will need to come down at some point.

SCC Comments—

- D. Barnicle states that the live tree root systems hold up the berm in place. He requests that the berm is not touched.
- K. Doyle states that if the berm is not touched, there will be no impact to the wetlands.
- E. Goodwin requests that As-Built plans are submitted to show the final location of the dugouts.
- D. Barnicle agrees and also requests that there is a condition to not touch the berm.
- D. Barnicle questions if the dugout could move closer to home plate, or if the other dugout could be constructed first and see how that comes out prior to constructing the dugout closest to the wetlands.

Applicant Comments-

- G. Dib states that the Little League Association is no longer allowing on-deck batters so the on-deck fenced area will be removed and the dugouts can go in its place. The dugout will be located further from the wetland and the berm than shown on the plan.

SCC Comments—

- F. Damiano makes a motion to issue a Negative Determination with Conditions as discussed. D. Grehl seconds the motion. All in favor: 5/0.

*Hearing closed and a Negative Determination to be issued with Conditions as discussed. Applicant agrees.*

**9:17 PM – PUBLIC HEARING**

**NOI: DEP 300-669. 206, 206A and 208 Hemlock Path. After the Fact filing as a result of an Enforcement Order for clearing activities conducted in violation. Jalbert Engineering representing M. Morgan**

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts from Jalbert Engineering, S. Morgan-Cooke, N. Mangari and G. Mangari present. K. Doyle receives the necessary public hearing notification requirements.

SCC Comments-

- K. Doyle summarizes to the Commission the project: the SCC issued an Enforcement Order in Dec 2004 for clearing of trees within 10-feet of Big Alum and dumping the wood chips into a Bordering Vegetative Wetland. The Notice of Intent filing has been a long time coming and it was to include a remediation plan. Although the Notice of Intent was expected a few months back, K. Doyle is satisfied with the remediation plan that is proposed.

Applicant Comments-

- N. Mangari states that the tree clearing was requested to cut down the diseased hemlock trees on property. N. Mangari states that the Landscaping company said they were “going to take care of it”
- N. Mangari states that she enjoys the trees, was not aware of how much cutting occurred

SCC Comments-

- D. Barnicle states that it looks like someone went in and cleared the lot to make an improvement—not just clear diseased trees.
- D. Barnicle states that he had to drive to the property on a Sunday and stop the clearing going on.
- D. Barnicle states that not only trees were cleared, a lot of grubbing and under story clearing also occurred.
- D. Grehl states that you can cut back dying trees
- D. Grehl questions if there are runoff problems into the Lake.

Applicant Comments-

- N. Mangari states that a lot of dead trees were on property. She got the name of the landscaper from a neighbor—she did not know who to call.
- N. Mangari states that work also went on during the time of the sewer installation. The Grinder pump was installed near the house and vegetation was not replaced. The grinder pump was relocated from the original location.
- L. Jalbert states that no runoff has occurred into the Lake. The bank of the Lake acts as a berm.
- N. Mangari states that you cannot even notice the clearing from the Lake, there are trees existing on the bank.

SCC Comments-

- D. Barnicle questions the wood chip removal process and if dewatering is necessary.
- K. Doyle states that the restoration protocol is listed on the plan for the SCC to review.
- D. Mitchell questions the best time to remove the wood chips from the wetland
- E. Goodwin states that the woodchips need to be drained on site.
- E. Goodwin states to remove the upper level of wood chips (about 4 feet deep according to L. Jalbert) first then remove the rest by hand and let drain.
- D. Mitchell questions the stabilization of the site with exposed soil

Applicant Comments-

- L. Jalbert states that the wood chips will be “pulled back” from the wetland and let sit if needed to drain.
- L. Jalbert states that the plantings will be done in the spring. The woodchips should be removed during dry of frozen conditions.
- N. Mangari questions if she can start the planting of deciduous trees in the next few weeks? She will need to find a contractor to do the landscaping and plantings. N. Mangari questions the location of plantings, what if a tree is proposed in an area where a tree already exists?



SCC Comments-

- E. Goodwin states that the property owner should plant where the opportunity is to plant. The applicant should not disturbed or alter the existing vegetation. The Applicant needs to be aware of the 25-foot buffer zone and be cautious in this area.
- D. Barnicle states that the permit is good for 3 years so make sure the plantings are done during a good planting season. The plans need to be done correctly and you want all of the plants to survive.

Applicant Comments-

- S. Morgan-Cooke states that the 6 to 8 foot pines may be too large, would 5 to 6 foot pines be acceptable?

SCC Comments-

- SCC is okay with the modified tree size. D. Barnicle states that the trees will grow 12 to 18 inches within one growing season (March to November).
- D. Grehl questions how all of the holes are to be dug for the plantings.
- D. Grehl questions what happens if a newly planted tree dies?
- E. Goodwin requests that the SCC knows who is going to be doing the work and when
- K. Doyle suggests a preliminary meeting with the contracted landscaper prior to any work
- K. Doyle states that in the restoration protocol, a wetland scientist is to be onsite during wood chip removal.

Applicant Comments-

- L. Jalbert states that a small machine will do the hole digging.
- N. Mangari states that she is open to suggestions

SCC Comments-

- E. Goodwin makes a motion to approve the restoration plan with conditions as discussed. F. Damiano seconds the motion. All in favor: 5/0.

*Hearing closed and an Order of Conditions is to be issued approving the restoration. Applicant agrees.*

**9:50 PM – PUBLIC HEARING**

**NOI: DEP 300-670. 35 Breakneck Road. After the Fact filing as a result of a verbal Enforcement Order of clearing activities conducted in violation and additional work on a single-family residence. T. Mapplebeck—property owner.**

D. Barnicle opens the public hearing, T. Mapplebeck present. K. Doyle received the proper public hearing requirements on 8/29/05 from the Applicant.

SCC Comments-

- K. Doyle summarizes the project to the Commission. The SCC approved the septic system repair last year through the letter permit process. Earlier this summer, SCC members visited the property as a response of tree clearing complaints from an abutter. Many trees were removed right along the pond's edge without a permit and the Building Inspector issued a Stop Work for the construction of a shed on the property line (and within 100-feet of the Pond). The Notice of Intent includes the tree clearing, the shed construction, construction of a porch and deck. K. Doyle also informs the SCC of the steep slope on property with wood chips and the access dirt drive to the well on the slope.

Applicant Comments-

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- T. Mapplebeck states that the trees were cleared about 2 years ago because they were dead due to beavers. The trees had to be cleared because it was a safety issue with his kids.
- T. Mapplebeck states that plantings are proposed on the steep hill, he wants to plant plantings with deep roots. Also, he wants to plant a willow tree.

SCC Comments-

- D. Mitchell states that he needs to visit the property
- K. Doyle questions where he wants to plant the willow tree
- D. Barnicle requests that K. Doyle show the Commission the pictures of the site and the pictures from the complaint.

Applicant Comments-

- T. Mapplebeck states that the trees that were removed were chewed by beavers. The Willow tree will be at the toe of slope.

SCC Comments-

- D. Barnicle states that a site walk is needed and that the deck and shed locations need to be staked. The Applicant should call the office when the locations are staked.

*SCC continues the Hearing until 9/29/05 at 8:50PM pending a site walk. Applicant should stake the property prior to the site walk and contact office.. Applicant agrees.*

### **10:25 PM –OTHER BUSINESS**

**Appointment:** M. Judson for violation at 78 Fairview Park Road

- Present: M. Judson of Judson Building Company and E. Lloyd, property owner of 78 Fairview Park Road.
- K. Doyle summarizes to the SCC: Order of Conditions not recorded, current property owner claims to not know about the wetlands. SCC was contact by an abutter because property owner was cutting trees and dumping wood chips into wetland. K. Doyle and D. Barnicle visited the property on 8/16/05 and pulled the files (when realized that Order was not recorded). Fresh wood chips, stumps, sod and other debris in wetland by property owner—additionally, the project was not built in accordance to the plan and approvals (all trees/vegetation removed up to wetland edge for lawn, garage/driveway in wrong location). Two issues are at hand: 1) Violation of Order of Conditions by the original Applicant, Judson Building Company and 2) wetland resource areas on property are impacted by current land owners.
- M. Judson states that at the time of this project, he was new to the permitting process and it is his fault that the Order was not recorded—it was his responsibility.
- D. Mitchell questions how the construction was not built in accordance to plans?
- M. Judson states that the DEP File number was posted—he was under the assumption that the plan could change. Now he uses a more reliable permitting company.
- E. Lloyd states that she saw nothing in regards to wetlands during the purchase of her house. The layout of the house is different than what is shown on the plans. She spoke with L. Adams (Planning Director for the Town at the time) and he informed her of the drainage easement—not an issue.
- D. Barnicle goes through the Order of Conditions and discusses the violation of the silt fence being installed at the wetland edge—not approved.
- E. Lloyd states that she paid for a larger backyard. It was decided to extend the side yard not the rear yard.

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- J. Hoffman states that remediation needs to occur between the (proposed location of) silt fence and wetland. The current property owner is responsible. The SCC has to deal with the fact that the wetlands are disturbed and it is the property owner's responsibility to comply with the SCC and restore the wetlands.
- M. Judson states that he will work with the SCC to rectify the situation.
- K. Doyle states that the Order needs to be recorded
- E. Lloyd states that she researched online and other Judson Building Company permits are not recorded.
- E. Goodwin states that we need to determine what permits are not recorded. All permits need to be recorded.
- E. Lloyd states that she is concerned with the 25-foot and 50-foot buffer zones, she wishes to build an addition on the house.
- M. Judson and E. Lloyd briefly discuss when the Lloyds purchased the house—irrelevant to the wetlands.
- D. Mitchell questions how the general contractor put the silt fence in the wrong location?
- SCC members discuss the next step: site walk is needed then decide how to remediate the property.
- Judson states that there is no proof that the property owner didn't move the silt fence closer to the wetlands. It never was intentional to move the fence back to the wetland.
- E. Lloyd states that legal representative will get involved.
- F. Damiano states that the Builder (M. Judson) is willing to work with the SCC.
- K. Doyle is concerned with the silt in the wetland and the alterations to the wetland.
- B. Watson and M. Deponte present (Brook Hill Road residents) and speaking against Judson Building Company.
- J. Hoffman explains Order of Conditions process
- M. Judson exits the meeting at 10:42PM
- E. Lloyd states that she would appreciate a site visit to confirm if material has been removed from the wetland satisfactorily. She states that she plans on going to the Board of Selectman with complaints.
- K. Doyle explains the permitting process of the Conservation Commission
- K. Doyle states that the erosion on property is a problem and due to the trees near the wetland being removed. E. Lloyd agreed.
- K. Doyle to write letter to Judson Building Company (and copy the Lloyds) requesting to resume discussion on September 29, 2005 at 9:10PM. SCC requests that all the projects where Judson Building Company is the Applicant, shows proof of recording by 9/29/05.
- Site Walk TBA.

*Public Hearing discussion continued until 9/29/05 at 9:10PM. Site Walk TBA.*

**SCC Members Sign:**

- Order of Conditions 300-664, 188 New Boston Rd
- Order of Conditions 300-666, 83 Cedar Street
- Extension for Allen Homestead 300-419
- Enforcement Order: 98 Paradise Lane DEP 300-617

**OTHER BUSINESS**

Tabled and included:

- 9/3/05 Site Walks: No Site Walks on 9/3/05 and 9/10/05. Site walks TBA. K. Doyle to provide SCC members with a site walk list and SCC members to visit sites when available.

FINAL Approved 9/22/05

- 271 Cedar Street History (Enforcement Order in 1999/2000): K. Doyle question SCC members if the restoration has occurred as approved by DEP in 1999/2000. SCC members recall that a portion was restored and that the crossing was corrected. SCC members recommend that the current applicant/property owner is to determine if the property has been fully restored in accordance to the approved plan.
- The Preserve Homeowner Letters: K. Doyle to re-email the letters to the members for review
- Next Hearing Dates: No F. Damanio, D. Barnicle and E. Goodwin on 9/15/05. 9/15/05 Hearing is to be rescheduled for 9/22/05. Next meetings after 9/22/05 are to be 9/29/05 (as planned), 10/20/05, 11/3/05 and 11/17/05.
- Scenic Bylaw: F. Damiano volunteers himself to the Scenic Bylaw Ad-Hoc Committee as requested in J. Malloy's Memo dated 8/25/05. D. Barnicle and other SCC members agree.

**11:31 PM APPROVAL OF MINUTES:**

D. Barnicle makes a motion to approve the 8/4/05 and 8/18/05 public hearing minutes as currently drafted and reviewed. D. Grehl seconds the motion. All in favor: 3/0. (D. Mitchell & E. Goodwin not present to vote on minutes)

Motion to adjourn: 11:34PM