

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

### **Minutes for Thursday September 22, 2005**

(Meeting Re-scheduled from September 15, 2005)

#### **MEMBERS PRESENT 7:00 PM**

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

#### **7:03 PM WALK INS**

##### 1) GHB Construction and K. Strum for 118 Arnold Road: DEP 300-644

- K. Beu (GHB) and K. Strum (property owner) present
- K. Doyle explains what has occurred since the issuance of the Order of Conditions. Garage was approved to be constructed about 4-feet from house. Property owners would like distance from the garage to the house so is requesting to move the garage away from the house (approx 11-feet) and into the 50-foot no structure buffer zone. Area exists as lawn, driveway already in 50-foot buffer and erosion controls not to change. K. Doyle sees no problem with the change.
- K. Beu explains the situation of why the property owner would like to move the garage. The garage width will change from 26-feet wide to 24-feet wide
- D. Mitchell questions the distance from the house, why 11-feet from the house.
- E. Goodwin questions the size of the garage, why so large.
- K. Doyle states that the options for the SCC is to vote on the plan as is or request that the Applicant file a Request to Amend the Order of Conditions if the SCC would like to Condition the change.
- D. Mitchell states that he cannot accept a change that will move into the 50-foot buffer zone just because of the view.
- E. Goodwin states that a 20-foot frontage for a garage is ample.
- K. Beu states that the property owners want to be as comfortable as possible, especially in the winter.
- D. Barnicle mentions alternatives to the garage, sono-tubes, pilings, car port
- D. Mitchell makes a motion that the SCC motions on the plan in front of them (revised plan dated REV 9/1/05). D. Barnicle seconds the motion. Discussion of the size of the garage and the 50-foot buffer zone.
- D. Barnicle makes a motion that the SCC accepts the plan as is in front of the Commission, F. Damiano seconds. All in favor: 0/5, all opposed—plan not accepted.

##### 2) Property Owners for 27 Ladd Road

- No One Present
- K. Doyle to call and determine the status of the driveway

##### 3) G. Allard for 31 South Shore Road DEP 300-508

- G. Allard present, property owner and general contractor
- K. Doyle discusses the proposed changes to the plan, catch basin to be added at corner of driveway and South Shore Drive.
- D. Mitchell states that it will need to be maintained and cleaned out on a regular basis.
- D. Grehl states that a tremendous amount of water will be entering the catch basin from the property and the road.

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- E. Goodwin questions if the catch basin will receive the run off from the property and the roadway. The roadway will be a problem, a lot of water and sediment.
- G. Allard states that he is concerned with the potential washout of the driveway. He is trying to get a feel from the Commission of their initial concerns prior to Amending the Order.
- E. Goodwin suggests completing the project then requesting to redesign the stormwater runoff.
- D. Mitchell applauds the applicant for wanting to accept the roadway drainage and protect the wetland, but feels as though the catch basin may need to be engineered.
- D. Grehl states that the wetland needs more protection, that corner has been a problem with silt runoff into the wetland.
- G. Allard understands that the property runoff and the roadway runoff should be treated separately. The rock wall on property is done, and the swale along the side of the driveway will be complete.
- SCC Members would like to schedule a site visit.

**7:35 PM – VOTE: NOI CONTINUED: DEP 300-665. 150 Charlton Road, installation of injection wells. Environmental Compliance Services, Inc. representing William Babineau**

J. Smith and C. Ellis present from ECS, Inc.

Abutter: A. Szumilas present

- K. Doyle states that the SCC has received the bond from the Applicant and the only issue is the date of the bond. The bond needs to be valid for the life of the Order of Conditions, not expire prior to the Order expiration.
- ECS, Inc. agrees.
- A. Szumilas has no comments. He just wants to make sure that the Board of Health gets copied on all paperwork.
- ECS states that all reports will go to Board of Health.
- D. Mitchell makes a motion to accept the current plans and all of the current correspondence and write an Order of Conditions in accordance with all previous discussions. E. Goodwin seconds the motion. All in favor: 5/0.

*Hearing closed and an Order of Conditions with conditions approving the project is to be issued. Applicant agrees. K. Doyle to send certified copy of the permit to ECS for recording.*

**7:42 PM – PUBLIC HEARING: ANRAD CONTINUED: DEP 300-663. 271 Cedar Street, wetland delineation approval. Gale Associates, Inc. representing Khan Realty Trust.**

D. Barnicle re-opens the public hearing, D. Harris and Hans from Gale Associates, and A. Allen from EcoTec present. K. Doyle receives the green cards from re-notifying the abutters (abutters in Brookfield and updated abutters in Sturbridge).

SCC Comments-

- K. Doyle gives a quick summary of what has occurred since the last hearing. The Applicant has hired a 3<sup>rd</sup> Party Reviewer—Art Allen from Eco Tec, Inc. Art Allen and the Applicant's representative (Gale Associates) walked the property together and revised plans have been drafted.

Applicant Comments-

- A. Allen states that he has received the ANRAD package and plans and has reviewed the property. A final report of his findings will be submitted to the SCC. An initial report has already been submitted. A. Allen also mentions that he is aware that the property underwent major wetland violations with a previous owner and that a restoration plan was approved.

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- D. Harris states that the Applicant is committed to restoring the property.

SCC Comments-

- D. Mitchell questions if the restoration was evaluated prior to this hearing?
- K. Doyle comments that the buffer zones should be removed from the plan, too busy. The buffer zones are important if work is proposed.
- D. Barnicle questions if the Applicant went to DEP for assistance with the restoration of the property.

Applicant Comments-

- D. Harris states that the buffer zones can be removed from the plan, it is just a data layer
- A. Allen requests that he give the SCC a quick presentation of his findings. Site walks with Gale Assoc. occurred on 8/18/05 and 8/24/05. For the most part the wetlands were accurate, but some additional resource areas were delineated. Resources on property include: IVW (protected federal & locally), ILSF, approx 7 PVP--3 mapped PVP, bank assoc with perennial and intermittent streams, Riverfront area. The PVPs are not certified, it could be made a Condition to require certification.
- A. Allen is in agreement with the delineation as revised by Gale Assoc.
- A. Allen states relative to the history of the site, wetland GC was crossed and there was a perennial stream crossing. The property seems to be stable and re-vegetated, the crossing at the perennial stream is adequate, 3 culverts.

SCC Comments-

- D. Mitchell questions if the delineation in the previously disturbed areas was based off the chroma of the soil.
- D. Barnicle questions if the mound of dirt and debris piles that were on property were removed
- K. Doyle shows the Applicant photographs from the violation in December 1999
- D. Mitchell requests a quick orientation of the property

Applicant Comments-

- A. Allen states that the soils didn't have much of a depleted matrix, redox features were present.
- Gale Assoc. states that they are not the original delineators of the property, it was delineated before.
- Gale Assoc. & A. Allen give a quick overview of the property.

SCC Comments-

- D. Barnicle questions if a continuation is needed.
- E. Goodwin states that the restoration needs to be closed out then the SCC can approve the delineation.
- D. Barnicle questions what DEP records show, if the stream is back to meandering.
- F. Damiano states that the property owner is responsible for restoring the property.
- E. Goodwin requests an overlay of the restoration with the revised plans.

*Hearing continued to October 20, 2005 at 8:10PM, pending revised plans and restoration evaluation.  
Applicant agrees.*

**8:15 PM – PUBLIC HEARING**

4 RDAs: SCC 05-29 through SCC 05-32 at 209 Main Street (Single Family Houses on Lots 2, 3, 5 and 6).  
Jalbert Engineering representing Rom’s Restaurant

D. Barnicle opens the public hearing, L. Jalbert present from Jalbert Engineering and abutters present (see sign in sheet). K. Doyle receives the proper public hearing notifications (green cards & newspaper).

SCC Comments—

- K. Doyle gives an overview of the project layout—6 lots, 2 NOIs and 4 RDAs filed. K. Doyle explains the dates of approvals for the ANR lots and the sewer extension permit.
- K. Doyle clarifies the difference of a NOI and a RDA to abutters present. Discussion of the submittal process.
- E. Goodwin questions the size of the lots
- F. Damiano questions if wells are to be dug
- K. Doyle questions if the curb cut permits have been applied for/obtained from Mass Highway (3 Lots off Route 131)
- K. Doyle questions if the erosion controls are the limit of work, clearing to the erosion controls?

Applicant Comments-

- L. Jalbert states that the houses are to not have wells.
- L. Jalbert states that the curb cut permits have not been applied for.
- L. Jalbert states that the size of the lots is listed on the overall plan and the lot will be cleared to the erosion control.
- Abutters initiate discussion: D. Mitchell requests to review the plans lot by lot.

SCC Comments—

- E. Goodwin questions the wetland resources and if there is an intermittent stream.
- D. Mitchell questions the force main work on Lot 3. Work in the 100-foot buffer zone.
- E. Goodwin requests to know the extent of the work on Lot 3.
- K. Doyle requests that the limit of clearing to be shown of the plans for each lot.
- D. Mitchell questions why there is a 15-foot clearing swath at each outlet structure.
- D. Barnicle states that he doesn’t want to waste time if the curb cut permits are not even applied for.

Abutter Comments-

- C. Blanchard questions if the property was “perc-ed” prior to getting the sewer extension permit

SCC Comments—

- D. Mitchell requests to review all lots. The SCC decides to combine the two public hearings for the RDA Lots and the NOI Lots (Lot 1 and 4).

*Hearings continued TBA (see below)*

**8:25 PM – PUBLIC HEARING:**

2 NOIs: DEP 300-672 and 300-673 at 209 Main Street (Single Family Houses on Lots 1 and 4). Jalbert Engineering representing Rom’s Restaurant

D. Barnicle opens the public hearings for Lots 1 and 4. The same people are present as above and K. Doyle receives the proper public hearing notifications. The conversation started in the previous hearing continues.

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SCC Comments—

- K. Doyle explains the 2 Lots with NOIs. Both lots include work in the 100-foot buffer zone and both lots include a drainage easement.

Abutter Comments-

- P. Richt states that the stream on Lot 1 is from a culvert and floods his property if not cleaned out (leaves etc.)
- J. Sbardelli states that the land in the area of Lot 1 is wet & soggy. He is curious of what kind of study was done in the area of the flow.

Applicant Comments-

- L. Jalbert states that a drainage easement is proposed in the area of the flow.

SCC Comments—

- F. Damiano questions if the drainage easement will improve the area
- D. Barnicle states that a site walk is needed. The SCC has many concerns.

*Hearings continued until October 20, 2005 at 8:30PM pending revised plans and site walk. The SCC announce that all 6 Lots will be heard under one hearing slot. D. Barnicle states that he will give the hearing a one hour slot and that it will be the last hearing on the October 20, 2005 agenda. Applicant agrees.*

**9:15 PM – PUBLIC HEARING**

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

D. Barnicle re-opens the public hearing, R. Bachand is present.

SCC Comments—

- K. Doyle informs the SCC of the previous hearing on this project. SCC approved erosion and drainage plans, SCC attend site walk and determine that no beach cleaning is necessary. K. Doyle shares with the SCC recent pictures of the property and goes over the requested drainage changes by R. Bachand. R. Bachand discusses the drainage changes and what is left to do on property. Clean water is coming off property and grass is already taking to the hill side.
- D. Barnicle states that the property has been improved.
- F. Damiano makes a motion to close the hearing and issue the approval. D. Mitchell seconds. All in favor: 5/0. Discussion—SCC to follow up in November and in the spring

*Hearing closed and an Order of Conditions to be issued. Applicant agrees.*

**9:25 PM – 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. Barnicle re-opens the public hearing, L. Jalbert, S. Morrison, Attorney Cabrera and Applicant/property owner present.

SCC Comments—

- K. Doyle discusses what has gone on since last hearing: draft Order of Conditions submitted to SCC and SCC had a chance to review. A revised draft deed was submitted.

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- K. Doyle states that the Stormwater Form is not signed (L. Jalbert sign immediately) and she needs a second copy of the soil boring “perc” test plan from Jalbert Engineering.
- D. Barnicle proposes to go through the draft Order of Conditions one by one.
- Discussion of the Order of Conditions one by one (K. Doyle takes notes on Order form). Major discussions included: marking the wetland and permanent markers, additional categories for the Order, dye test to determine septic system with problems, protection of the wetland long term, Monitoring well on Lot 2—who is responsible for the sampling, bond for monitoring well, Lot 2 deed, letter from the closing Attorney that the property owners have the Order of Conditions and understand responsibilities.
- E. Goodwin states that the project pins the neighbors against each other—unacceptable when wetlands are involved.
- F. Damiano questions if the option of a Home Association is not going to happen
- D. Barnicle states that the applicant has heard all of the SCC concerns. K. Doyle and S. Morrison are to incorporate the revisions to the Order of Conditions. Next meeting is the last meeting.

*Hearing continued until November 3, 2005 at 7:30PM. Applicant agrees.*

### **10:45 PM – PUBLIC HEARING**

NOI CONTINUED: DEP 300-668. 127 and 135 Main Street, Proposed Commercial Building and Parking. Jalbert Engineering representing Maple Hill Realty LLC

D. Barnicle re-opens the public hearing, L. Jalbert present. L. Jalbert submits the curb cut application and revised plans.

SCC Comments-

- K. Doyle summarizes project concerns from her site walk with D. Grehl and D. Roberts from Jalbert Engineering. K. Doyle has concerns with the delineation
- SCC discuss the zoning of the property and discusses the underground stormwater system.
- D. Barnicle states that the discharge cannot increase volume and rate into the stream.
- D. Mitchell requests a site walk.

*Hearing continued until November 3, 2005 at 7:50PM pending site walk. Applicant agrees.*

### **10:55 PM –OTHER BUSINESS**

**Appointment:** George Suprenant for Allen Homestead Project DEP 300-419

- Present: G. Suprenant, M. Suprenant, E. Mainini, Attorney for Suprenant
- Discussion of boulders on the 7 lots that were removed and put on G. Suprenant property. G. Suprenant not happy and was told that the boulders will be removed.
- K. Doyle states that she warned Mr Suprenant that the SCC will only entertain wetland related issues.
- G. Suprenant states that SCC required boulders to be removed from the 7 lots. He requests documentation.
- E. Mainini verifies that the SCC verbally told Allen Homestead Development to remove boulders.
- K. Doyle finds letter in file from E. Mainini requesting a waiver from the SCC for the buffer zone. K. Doyle finds the old hearing minutes that show the boulder
- G. Suprenant requests copies of the letter & minutes. (K. Doyle makes copies)
- G. Suprenant questions if the drainage easement can be removed.
- SCC states it is not their authority.
- K. Doyle states that is how the project is approved.

**OTHER BUSINESS**

Tabled and included:

- The Preserve DEP 300-471—Stormwater on New Boston Road: SCC supports A. Allen's report
- 6 Vinton Road, DEP 300-511: Driveway Paved—K. Doyle to call property owners and request to attend next meeting
- Violations at 14 Mashapaug Road DEP 300-615—J. Hoffman recalls walking the site and the discussion of moving the house, never was approved. K. Doyle to call property owners and request to attend next meeting
- 241 Walker Road—Carey DEP 300-606. Swimming Pool: K. Doyle to call property owners and request to attend next meeting
- Up Coming Site Walks: Sat Sept 24, 2005

**Letters For Review**

- Request for Certificate of Compliance for 468 Leadmine Road DEP 300-612: Applicant to talk with SCC at a meeting for explanation
- Letter Report for 112 South Shore Drive (retaining wall repair): OK
- Letter Report for 2 Cedar Pond Road (well installation): OK
- Letter for 22 Wells Park Road: OK

Motion to adjourn: 12:00AM