

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday September 29, 2005

MEMBERS PRESENT 7:00 PM

Board Members: D. Barnicle (Chair), D. Grehl, E. Goodwin, F. Damiano (7:06PM), and D. Mitchell (7:10PM)
K. Doyle for minutes

7:03 PM WALK INS

1) Peter Mimeaut—complaint on South Shore Drive

- P. Mimeaut present and stated that he represented a few South Shore Drive residents, which were not present (house numbers 76 to 82. P. Mimeaut lives at 76 South Shore Drive) and asking the SCC to assist with cove mitigation
- P. Mimeaut states that the perennial stream culvert was clogged and then one day a surge occurred and the cove experienced sediment deposit.
- D. Grehl stated that J. Saken (sp?) keeps an eye on the stream—no records from DPW that there was a problem.
- P. Mimeaut states that there is a sand bar now in the cove, about 35 feet into the Lake and 80 feet wide.
- E. Goodwin challenges the magnitude of the sand bar, there has always been sand there, it is a cove and it receives sediment from the Lake and the stream.
- P. Mimeaut requests the SCC assistance in removing the sand. Would like permission to excavate the sand out—the sand was not there last year. There was some type of event that took place and he is looking for mitigation. P. Mimeaut submits a sketch of the sand bar.
- F. Damiano and D. Mitchell suggest taking a site walk to observe the sand delta.

2) G. Malone for problems at the Preserve—run off down New Boston Road

- G. Malone shows the SCC a video (no date) of water flowing in the stream on property. Claims it was during a major storm event during the week of Sept 15, 2005 and the majority of the water coming off the Preserve property and down New Boston Road.
- K. Doyle states that C. MacGregor visited her in the office and stated that the silt sacs in the catch basins filled up with sediment and water washed over the catch basins—contributing to the problem. K. Doyle to follow up.

7:39 PM – PUBLIC HEARING

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

REQUEST FOR CONTINUANCE: NOV 17, 2005 at 7:30PM

7:40 PM – DISCUSSION

SCC discuss a couple of items prior to the next scheduled public meeting (7:50PM start). Discussion was tabled and included:

- Update of Zoning meeting by E. Goodwin. F. Damiano is to take J. Hoffman's place on the Zoning Committee, E. Goodwin filled in for Frank. Committee to meet once a month.
- Brief site visit overview by D. Mitchell

7:50 PM – PUBLIC HEARING

DEP 300-589 Request to Amend Order of Conditions for 43 Abrams Drive (Result of an Enforcement Order).
Greg and Erin Abrams

D. Barnicle opens the public hearing, G. Abrams present. K. Doyle receives the proper public hearing notifications (green cards & newspaper).

SCC Comments—

- K. Doyle updates the SCC on the Enforcement Order and the work that has gone on in violation. K. Doyle shows the SCC the project plans and what has occurred on the property.
- D. Barnicle states that no more violations can occur. The next violation will be a fine—consider this the first warning.
- D. Mitchell states that G. Abrams has violated the signed contract. If changes occur from the original approval, the SCC need to be notified. No excuses.
- E. Goodwin cannot believe that the trees were taken down, specifically remembers conversations where the SCC made clear that the trees cannot be taken down.
- K. Doyle recommends that the SCC do a site walk to determine the best way to restore the property from the violations. K. Doyle read to the SCC the remainder of the work to be conducted—including the repair of the retaining wall.
- D. Mitchell states that the repair of the wall can only be preformed by hand during low water.

Applicant Comments-

- G. Abrams agrees that work was done in violation. He states that the trees came down when the lines were installed for the slop sink to the garage.
- G. Abrams notifies the SCC of ATV activity when the water level goes down—ATVs muck up the bottom of the Lake.

SCC Comments—

- F. Damiano states that major restoration needs to happen. Plantings?
- D. Mitchell states that a naturalistic landscape needs to be planted.
- F. Damiano questions the location of the garage.
- The SCC decides to conduct a site visit before going further.

Hearing continued TBA pending the site walk.

8:12 PM – PUBLIC HEARING:

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

D. Barnicle re-opens the public hearing, D. Roberts from Jalbert Engineering, and two representatives from JMJ Properties present.

SCC Comments-

- K. Doyle gives a quick summary of what has occurred since the last hearing. The SCC conducted a site walk on 9/24/05 and the outstanding issues are the outlet location, the erosion control line, and the percent lot coverage. K. Doyle explains that the reason why the erosion controls are located at the 25 foot buffer zone is to accommodate for the landscaping plan. Additionally, Jalbert Engineering submitted revised plans showing the revised outlet location and the percent area calculations.

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- E. Goodwin suggests two rows of erosion controls, one hugging the limit of work for the parking lot and a second to be installed at the 25-foot buffer zone prior to the landscaping work
- E. Goodwin questions if the property is on town sewer
- D. Mitchell questions the location of the existing leach field
- D. Mitchell questions the existing retaining wall near the building and if it will be taken out

Applicant Comments-

- JMJ Properties state that they have no problems with the extra erosion controls
- D. Roberts states that the new plans show the revised location of the outlet—further from the property line. The new plans also show the location of the old tank to be crushed in place—in accordance with Title V standards and requirements.
- JMJ Properties state that the retaining wall has been removed

SCC Comments-

- D. Grehl questions if the stormwater management plan and the drainage calculations included the future expansion area
- E. Goodwin questions the old septic reserve area—will it expand?
- D. Mitchell questions why 20 new parking lots are proposed, how many people visit the building on average?

Applicant Comments-

- D. Roberts states that the drainage calculations did take in consideration the future expansion area.
- D. Roberts refers to the old septic plan and discusses the old system to be abandoned.
- D. Roberts states that employees only and salesmen will be parking at the building—few visitors per day.

SCC Comments-

- K. Doyle questions if the Applicant has gone to Zoning or Planning?
- D. Mitchell questions if the snow removal area is shown on the plans?
- K. Doyle requests that the SCC review the Stormwater Operation & Maintenance Plan to see if satisfied.

Applicant Comments-

- D. Roberts states that the snow removal will be in the future expansion area and can revise the plans to show that.
- JMJ Properties briefly questions the SCC about heated parking lot—cross linked polyethylene Heated parking lot not proposed at this point but property owners are considering it in the future.

SCC Comments-

- D. Mitchell states that he has no further problems with the project, just include the snow storage area on the plan and extra erosion controls. D. Mitchell makes a motion to issue an approval pending revised plans, E. Goodwin seconds. All in favor: 5/0.
- Discussion of issuance of the Order of Conditions. K. Doyle requests if the Applicant can give consent to have more than 21 days to issue the Order. D. Barnicle states that it may take 45 to 60 days for issuance of the Order of Conditions. JMJ Properties, Inc. gives consent.

Hearing closed and an Order of Conditions is to be issued within 45-60 days. Jalbert Engineering is to submit final plans prior to the issuance. Applicant agrees.

8:35 PM – PUBLIC HEARING

D. Barnicle re-opens the public hearing, no one present representing the Applicant.

SCC Comments—

- o K. Doyle states that the SCC visited the property on 9/24/05 and had no issues with the project.
- o Discussion of closing the hearing even if no one present.
- o E. Goodwin states that at the previous hearing for this project, he requested something in writing detailing the Open Space portion of the project. The Applicant is aware of his request and should have already started the documentation. Other SCC members agree.
- o E. Goodwin makes a motion to close the public hearing tonight and vote on the Order of Conditions next hearing (October 20, 2005 at 7:20PM) pending receipt of the Open Space document. D. Mitchell seconds the motion, All in favor: 5/0

Hearing closed. Project to be voted on next hearing Oct 20, 2005 at 7:20 PM. Vote is pending receipt of Open Space document. K. Doyle to follow up with Escape Estates.

8:40 PM – PUBLIC DISCUSSION:

New Condition to be added to Order of Conditions

The SCC cannot start the next public hearing until the advertised time at 8:50PM. Therefore D. Barnicle requests that the SCC discuss the proposed new Condition written by J. Hoffman. This Condition is to assist in making sure Orders are recorded and erosion controls are installed in the approved location. K. Doyle reads to the SCC the proposed Condition written by J. Hoffman in an electronic-mail with the subject of “Idea” (see SCC office files). SCC discuss the issue of Order of Conditions being ignored—unacceptable. D. Barnicle states that this Condition will not solve the problem but will certainly help, he agrees with the wording. Other members agree. D. Mitchell makes a motion to accept the new Condition as written by J. Hoffman and this Condition shall be incorporated into all approved Orders. E. Goodwin seconds the motion, all in favor: 5/0.

8:50 PM – PUBLIC HEARING

NOI CONTINUED: 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 re-opens the public hearing, T. and S Mapplebeck are present.

SCC Comments—

- o K. Doyle states that members visited the property on 9/24/05.
- o K. Doyle states that no work is within the 25-foot buffer zone and that limited work is within the 50-foot buffer zone.
- o D. Mitchell questions if shrubs will be planted on the slope.
- o E. Goodwin states he has no problems with the shed, deck or porch. But the 25-foot no touch area needs to be recognized and protected.
- o D. Grehl and F. Damiano question the gravel access drive to the rear of the property

Applicant Comments-

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- T. Mapplebeck states that the drive was put in for the well extension. The well was put in before the house—in 1984.

SCC Comments—

- D. Mitchell states that no parking should be down near the pond. The 25-foot area near the pond needs to grow and re-vegetate naturally—leave that area alone.
- D. Barnicle questions the shrubs to be planted on the slope—cypress plants have good root structures and would be good on the slope.
- K. Doyle questions the number of plantings, 10 to 20?
- D. Barnicle states it is important to know about how many plants to be planted for the Conditions. The SCC will inspect the plants in the spring

Applicant Comments-

- T. Mapplebeck states that 10 to 20 plants are accurate.

SCC Comments—

- D. Barnicle makes a motion to close the hearing and Condition the project to include 10 to 20 plantings on the slope and the 25-foot buffer zone to revegetate naturally. E. Goodwin seconds the motion, all in favor: 5/0.
- Discussion after the vote: K. Doyle requests consent to issue the Order in more than 21 days. T. Mapplebeck questions if work can start this weekend—he is constructing the porch. K. Doyle informs him of the issuance of the Order, the recording at the Registry prior to work start. T. Mapplebeck would really like to start the porch work in front of the house. D. Barnicle states that he can start the work without the Order. K. Doyle states at least post the DEP File Number prior to work.

Hearing closed and Order of Conditions to be issued. D. Barnicle granted the Applicant approval to start work prior to the issuance of the Order. Applicant agrees.

9:15 PM – PUBLIC DISCUSSION

78 Fairview Park Road: DEP 300-482. Judson Building Company

D. Barnicle re-opens the public discussion, M. Judson from Judson Building Company and P. McManus from EcoTec present. P. McManus states that he has been hired by the current property owners to represent them to the SCC regarding wetland issues.

SCC Comments—

- K. Doyle informs the SCC that since the last discussion, M. Judson recorded the Order of Conditions along with the other Order issued to Judson Building Co on Fairview Park Road. Additionally, K. Doyle & D. Grehl visited the property on 9/8/05 to confirm that the current property owners removed all fresh debris (grass clippings, tree cuttings, wood chips) from the wetlands. K. Doyle states that it looks like the area has been altered and the wetland was filled at some point in time. Additionally other violations were discovered—no flared end at the outlet.
- D. Mitchell questions P. McManus if he has visited the property.
- D. Barnicle questions M. Judson if he has anything to say

Applicant Comments—

- P. McManus states that he has visited the property

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- M. Judson states that he acknowledges his mistakes and is willing to work with the SCC and the property owners. In his opinion, if the property owners are trying to get a house addition at his expense, it is not going to happen.

SCC Comments—

- D. Barnicle states that the commission is looking for remediation—the property was cleared in violation right up to the wetland edge.
- E. Goodwin states that the SCC can require that the property owners correct the wetland problems.
- K. Doyle questions P. McManus what he thought of the wetland area
- D. Grehl states that a remediation plan must be designed.

Applicant Comments—

- P. McManus states that the wetland area has intermittent flow and it is difficult to determine if the area was disturbed and when
- P. McManus states that he submitted a request to extend the Order via certified mail

SCC Comments—

- K. Doyle states that she never received the request (certified mail signed by D. Morse). K. Doyle photocopies the request.
- D. Mitchell states that the 25-foot buffer zone must be re-established. He questions if Fox Run is leading more water to the area?
- D. Mitchell makes a motion to accept the Extension request and extend the Order for 1 year. D. Barnicle seconds the motion. All in favor: 5/0—1 year extension granted (expires 9/13/06) to allow the restoration of the 25-foot buffer zone.

Applicant Comments—

- P. McManus states that he will speak to M. Judson about the remediation plan.

SCC Comments—

- D. Barnicle states that the responsibility follows the title of the property. It is the current property owner's responsibility to restore the wetlands.
- F. Damiano questions if a replication area is needed for the disturbance of the wetlands
- D. Grehl states that it is obvious that the stream channel has been filled in.

Applicant Comments—

- P. McManus states that there is no evidence that the steam channel was effected within the past year
- M. Judson states that the gas line always clear cuts the right-of-way
- M. Judson states that he will take care of the flared end pipe. He will make it right.

SCC Comments—

- D. Mitchell states that enhancement of the stream habitat should occur K. Doyle states that the wetland should improve by the end of this
- D. Barnicle states that the 25-foot buffer needs to be restored.
- F. Damiano states that it is clear what needs to be done, the next meeting needs to be more productive
- D. Barnicle states that markers should be established at the 25-foot buffer
- SCC discusses the Amendment to the Order to include restoration. By October 27, the Applicant should submit the paperwork to be put on the 11/17/05 hearing. The SCC does not want to see the problems ignored, the property owners need to act in a timely fashion. SCC states that the flared end work can happen now—prior to the submittal of paperwork.

Property Owners to submit a Restoration Plan prior to 10/27/05 to be on the 11/17/05 hearing.

9:58 PM – PUBLIC HEARING

RDA: SCC #05-34. 84 Westwood Drive, Stream Determination. EcoTec, Inc. representing S. Choinski.

D. Barnicle opens the public hearing, P. McManus present from EcoTec. K. Doyle receives the proper advertisements (copy of green abutter certified mail cards & newspaper).

SCC Comments—

- K. Doyle states that the Applicant is wishing to reclassify a perennial stream to intermittent. The materials submitted with the filing support that the stream is intermittent. A complete filing was submitted—photographs, streamstat application, drought data, watershed size etc.
- K. Doyle states that by changing the status of a stream from perennial to intermittent, changes the resource areas on property. Perennial streams have an area of protection—200-foot Riverfront Area and intermittent streams do not have the Riverfront area resource. Intermittent stream will still have buffer zones, just no Riverfront Area.
- E. Goodwin questions if the property was a recent ANR

Applicant Comments—

- P. McManus states that he thinks it was a recent ANR subdivision.
- P. McManus shows the SCC where the photographs were taken on the plan
- P. McManus states that the Wetland Regulations allow the mapping (topographical) to be wrong about stream status

SCC Comments—

- D. Mitchell states that a site walk is needed.
- D. Barnicle states that the banks of the stream seemed to be well defined. It will be difficult for him to vote in favor of the change. The SCC need to do the right thing to protect the wetlands.
- SCC determine that a site walk is needed and the hearing must be continued.

Hearing continued until November 3, 2005 at 9:25PM. SCC to visit property. Applicant agrees.

10:08 PM –OTHER BUSINESS

Appointment: 14 Mashapaug Road DEP 300-615: House location violation

- W. & J. Dunn present for discussion.
- E. Goodwin recalls discussing the flip-flop of the house, the erosion controls were a problem—to close to the wetland. It was never resolved—SCC did not give final approval for the flip-flop.
- D. Mitchell states that at the very least the erosion needs to be fixed now and re-establish the erosion controls.
- D. Barnicle states that the driveway is in the wrong location.
- SCC to visit the property for a site walk on Saturday.

Appointment: 6 Vinton Road DEP 300-511: Driveway Paved

- Property owners present for discussion.
- Property owners state that they called the town hall and spoke to “Nancy” who informed them that everything was all set.

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- D. Grehl states that the SCC should visit the property to see if the wetlands are impacted as a result of the paving.
- D. Barnicle makes a motion to take a site visit, suggest corrective problems—if no problems then okay. D. Mitchell seconds the motion, all in favor: 5/0.

Other Business

Tabled & Included:

- DEP 300-655: 245 Walker Road: proposed design changes—K. Doyle show the SCC the house size revisions. House to be located further from wetlands. D. Mitchell makes a motion to accept the revised plan, no formal amendment is needed. F. Damiano seconds the motion, all in favor: 5/0.
- Discussion of site walks to be 10/1/05
- Discussion of Bennetts Road Drainage Improvements. Site walk needed

Sign Order of Conditions

DEP 300-665. 150 Charlton Road

DEP 300-667: 289 Clarke Road Extension

Motion to adjourn: 11:08 PM