

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday October 20, 2005

6:58 PM: G. Malone submitted photographs to the SCC prior to a quorum present. Photographs show erosion of the banks of the intermittent stream on the 99 New Boston Road property during rain event. G. Malone believes impact is from The Preserve project. SCC to discuss The Preserve project after public hearings (see 9:35 PM Other Business).

MEMBERS PRESENT 7:05 PM

Board Members: D. Barnicle (Chair), D. Grehl, F. Damiano and D. Mitchell

K. Doyle for minutes

7:07 PM WALK INS

- 1) W. Orłowski for house improvements at 12 Cedar Pond Drive
 - W. Orłowski and B. Gagnon (property owner) present
 - W. Orłowski states that the retaining wall at the Lake is in disrepair and he proposing to build a new wall with stairs.
 - W. Orłowski has come before the SCC prior to submitting the permit application to see if the project is feasible and if the SCC would allow it. W. Orłowski states that Waterman Design recommended going to the SCC first
 - D. Barnicle states that the work would have to take place during draw down of the Lake
 - D. Mitchell states that if there is dredging in the Lake—the Army Corps will have to get involved.
 - W. Orłowski states that other improvements include building up area near the wall to prevent problems later.
 - D. Mitchell states that a site walk is needed. (SCC visited the property on 10/22/05)

- 2) Carey's for 241 Walker Road DEP 300-606: Swimming pool possible violation
 - No one present. K. Doyle to follow up.

- 3) M. Detarando for 98 Paradise Lane: DEP 300-617
 - M. Detarando submits a revised plan to the SCC. The revised plan includes rebuilding the concrete pad near the edge of the Lake and possibly removing a tree near the road (SCC members visited the property while K. Doyle was out on vacation)
 - SCC discusses the revisions to the project.
 - K. Doyle discusses the SCC options: if the SCC wishes to Condition the revisions, then a request to Amend the Order of Conditions must to be submitted or if the SCC wishes to accept the revisions as is.
 - D. Mitchell states that there is no reason to Amend the Order.
 - D. Barnicle states that the work on the concrete pad must be done during draw down.
 - D. Grehl questions the dock.
 - D. Barnicle makes a motion to accept the revised plan. D. Mitchell seconds the motion. All in favor: 3/1 (D. Grehl opposes). K. Doyle to follow up with an approval letter.

Approved 11/17/05

7:25 PM – VOTE: NOI CONTINUED Under the Bylaw, SCC# 05-20. 176 Cedar Street, Proposed Laurel Woods Subdivision. EBT Environmental Consultants representing Escape Estates, Inc.

- A. Cormier present from Escape Estates, Inc.
- A. Cormier submits to the SCC an Open Space Document
- A. Cormier states that the Town's Engineer, CME Engineering, is reviewing the project per Planning Board's request and has yet to comment on the project.
- D. Barnicle states that the SCC move the vote to the November 3, 2005 hearing agenda at 7:20PM—pending final plans.
- A. Cormier agrees.

7:30 PM – PUBLIC HEARING

NOI: DEP 300-674. 120 Lane 10, Septic System repair and reconstruction. Green Hill Engineering representing Doug & Annyta Vizard

D. Barnicle opens the public hearing, M. Farrell from Green Hill Engineering and property owners present. K. Doyle receives the proper public hearing notifications (green cards & newspaper).

SCC Comments—

- K. Doyle briefly explains the project to the SCC and her concerns. K. Doyle and D. Grehl visited the property on 10/17/05. K. Doyle concerned with the slope of the property—trench work should only occur in the summer when the weather conditions are dry. The sewer pie should be installed within the existing cart path to minimize tree clearing.
- D. Mitchell questions the re-construction of the house. Is the new house going to move further from the Lake? The footprint of the house does not include the porch. If the project is to include reconstruction work on the house, then he would like to review the project as a whole, septic and house.

Applicant Comments-

- A. Vizard states that she is not in favor of destruction and deforestation
- M. Farrell states that the property has constraints. He discusses the pump chamber and tank.
- M. Farrell states that if the septic is to be near the house then significant tree clearing would have to occur.
- D. Vizard states that eventually they would like to upgrade the house—2 bedroom expansion. They wish to limit the excavation of property, the southwest side of the house is flatter.

SCC Comments—

- K. Doyle questions what is the benefit of installing the septic prior to the house work
- F. Damiano states that when the property owner goes to redesign the house, the new house must be in the same footprint.

Applicant Comments-

- M. Farrell states that according to the Board of Health Regulations, the property must meet Title V prior to conducting work on the house.
- M. Farrell states that any proposed reconstruction of the house would take place out of the 50-foot buffer zone.

SCC Comments—

- D. Mitchell states that a site walk is warranted.
- K. Doyle questions if phasing of the project is an option—construction of the reserve area first and trench in dryer weather.

Approved 11/17/05

- Discussion of the proposed well.
- Discussion continued into next hearing

Hearing continued pending site walk (see details below).

7:40 PM – PUBLIC HEARING:

NOI: DEP 300-675. 124 Lane 10, Septic System repair and reconstruction. Green Hill Engineering representing Doug & Tom Vizard.

D. Barnicle opens the public hearing, M. Farrell from Green Hill Engineering and property owners present. K. Doyle receives the proper public hearing notifications (green cards & newspaper).

SCC Comments-

- K. Doyle gives a quick summary of the project. Septic reserve is to be constructed in the rear of the property in an area of pine and hemlock trees—area void of herbaceous plants. Existing house is located between the Lake and the proposed work—no impact.
- K. Doyle questions a way to minimize clearing and trenching to the well, maybe install piping in the roadway Lane 10

Applicant Comments-

- M. Farrell states that there is a spring well present on the property and the applicant is proposed a new well. Installing piping in the roadway would cause erosion.
- M. Farrell states that he is working with the Board of Health

SCC Comments-

- D. Barnicle questions if the areas of the septic systems is staked in the field for a site walk
- F. Damiano questions the existing septic system on property.

Applicant Comments-

- M. Farrell states that he can stake the property for the site walks
- M. Farrell states that a cess pool is located on 124 Lane 10 property and an “out house” on 120 Lane 10 property.

Both hearings continued pending site walks. 124 Lane 10 continued to 12/1/05 at 7:30PM and 120 Lane 10 continued to 12/1/05 at 7:40PM. Revisions to 120 Lane 10 Plans to be submitted. Applicant agrees.

7:50 PM – PUBLIC HEARING

NOI: DEP 300-677. 246 Fiske Hill Road—two Single Family Houses. Para Land Surveying representing the property owners (D. Cournoyer, L. George and M. George)

D. Barnicle opens the public hearing, R. Para from Para Land Surveying and C. Sylvestry (abutter) present. K. Doyle receives the proper notification requirements.

SCC Comments—

- K. Doyle summarizes the project to the SCC. The Applicant has re-submitted the two single-family house lot project that was previously approved by the SCC but withdrawn due to ZBA denial (DEP 300-573). (This is the third NOI filing on the property—there was a second filing that was denied DEP 300-642). The project now includes phasing—Phase I for driveway and stormwater construction, Phase II for house 1 construction and Phase III for house two construction pending approval by Mass Highway and/or a Zoning Variance.

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- D. Barnicle states that the problem with the denied project was the water quality swales. The Phasing is a new addition to the project.
- SCC discusses the phasing of the project
- SCC discusses the conservation easement proposed originally—not part of this filing.

Applicant Comments-

- R. Para states that the IVW located off property was “filled in” in the past by farmer.
- R. Para discusses the phasing of the project

SCC Comments-

- D. Mitchell questions if the property is staked for a site walk
- K. Doyle states that the conservation easement is not part of this project
- D. Barnicle questions the Stormwater calculations—if the water quality swales have been re-designed or re-evaluated. (R. Para states that the same calculations were used—no new calcs)
- K. Doyle requests that a Stormwater Management Plan is prepared
- D. Grehl requests that a clearer plan is submitted

Abutter Comments-

- C. Sylvestry states that there is a lot of water near the stone wall on property. He is concerned with the water in the area.

SCC Comments-

- SCC discuss the drainage of the property
- D. Barnicle states that the swale may not be deep enough to accommodate all of the runoff.
- SCC discuss a site walk

Hearing continued to 12/1/05 at 8:00PM pending site walk. R. Para to notify SCC when property staked. (Site Walk possibly 11/5/05 if property staked) Revised plans to be submitted and a Stormwater Management Plan.

8:20 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, representatives from Gale Associates, Inc. present (P. Costello).

SCC Comments—

- K. Doyle states that members visited the property on 10/4/05.
- K. Doyle states that the SCC is waiting for an update of the restoration plan that was approved by the SCC in 1999/2000

Applicant Comments-

- Gale Assoc. briefs the SCC on their findings regarding restoration of the property (letter submitted to SCC): states that they performed a full evaluation of the property and there was no evidence of the soil stock pile—property cleaned up. Evidence of hay bale and silt fence installation was observed. The disturbed area is approximately 17, 000 square feet of wetland—scanned on the plan for a visual (submit to SCC). Appears that the trench that was dug in violation was filled in and plantings were installed. Riprap was not installed.

Approved 11/17/05

- Gale Assoc states that they tried to do research at the DEP re: closing out the restoration plan and the DEP claims that there is no paperwork on this project—therefore assumes project is closed out.
- Gale Assoc goes over plan submitted to SCC that shows the wetland area disturbed and the wetland restoration—difference of previous wetland delineation (determined by aerial photography after violation) and present delineation. Shows that there has been an expansion of wetland area.

SCC Comments—

- K. Doyle questions if the current delineation is based off soils and wetland plants
- D. Barnicle questions if there is a channelized stream at the culvert—illegal crossing

Applicant Comments-

- Hanns from Gale Assoc. states that the delineation was mostly based off plants, soils still disturbed. The area at the culvert is not channelized, there is sheet flow (no defined banks for a stream)
- Hanns from Gale Assoc states that it looks like there was 10 to 15 red maple plantings (saplings), no high bush blueberry and stumps are coming back and sprouting.

SCC Comments—

- D. Mitchell states that the SCC needs time to review the document submitted (write up regarding the restoration) and that he would prefer a final report from A. Allen for closure by next meeting.

Hearing continued until 12/1/05 at 8:20PM. Applicant agrees.

8:30 PM – PUBLIC HEARING

4 RDA CONTINUED: SCC 05-29 through SCC 05-32 and 2 NOIs CONTINUED: DEP 300-672 and 300-673 at 209 Main Street (Single Family Houses on Lots 1 through 6). Jalbert Engineering representing Rom's Restaurant

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

SCC Comments—

- K. Doyle reads to the SCC the letter submitted on 10/4/05 to the SCC from Jalbert Engineering (NOI clarification)
- K. Doyle reviews the revised project plans with the SCC—clearing limits defined.
- Discussion of the upland bylaw and if it applies to Lot 3. (Abutter C. Blanchard states that the upland bylaw applies to ½ acre lots with water and sewer and that the lots do not have approval for water. L. Jalbert states that the upland bylaw is dependant on the zoning of the property and if the property has town sewer and water.)
- K. Doyle questions if the curb cut mass Highway applications have been applied for.

Applicant Comments—

- L. Jalbert states that the water is approved through a meeting with J. Malloy and G. Morse. He can supply the approval to the SCC in writing.

SCC Comments—

- F. Damiano questions the sewer line work on Lots 3 and 4 to supply Lots 4 through 6 with sewer.
- K. Doyle states that a separate NOI should be filed for the sewer and water utility right-of-way, to be filed on each lot.
- D. Mitchell questions the two outlets (perforated pipe) on Lot 4

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- Continued discussion of the upland bylaw and how it applies to Lot 3 (3/4 acre lot would not make the 90% upland bylaw)
- D. Grehl is concerned with the clearing on Lot 4.
- D. Mitchell requests that the SCC review the Lots one by one.

Discussion of Lot 1 (NOI: DEP 300-672)

Abutter S. Bardelli states that the wetland has a lot of water in it.

SCC Comments—

- D. Barnicle states that the driveway is within the 50-foot buffer to the wetland across the street (Farquhar Road)
- D. Mitchell states that there is a roadway separating the wetland and the driveway
- D. Barnicle states that the runoff from the driveway will go into the wetland.
- D. Barnicle states that no water from the houses should go across the street and into the wetland.
- F. Damiano questions how the situation will improve with the proposed project.
- D. Mitchell questions how much flow will come out of the foundation drains.
- D. Mitchell questions the amount of clearing for each foundation drain—should not be 18-feet wide.

Applicant Comments—

- L. Jalbert states that the maximum amount of flow is contingent upon the size of the outlet pipe.

Discussion of Lot 2 (RDA: SCC No. 05-29)

SCC recommends a narrower clearing limit of the foundation drains.

Discussion of Lot 3 (RDA: SCC No. 05-30)

SCC Comments—

- D. Mitchell questions the collected runoff from the driveway
- Discussion of the swale (additional grading) between house Lots 2 and 3. D. Barnicle does not want a swale on the property line. Who would be responsible for the swale? Swale needs to be on just one property.
- D. Barnicle states that the swale between the two lots is a potential problem, a shared responsibility. Grading should be unique to each house.
- D. Mitchell states that drainage will be an issue, rain gardens may be appropriate.
- F. Damiano questions the Stormwater management Policy
- K. Doyle states that the Stormwater management Policy does apply to the project—over 4 single-family houses proposed. All 9 Standards must be met—Stormwater form must be submitted showing compliance.

Applicant Comments—

- L. Jalbert states that the runoff from the driveway will be sheet flow.
- L. Jalbert states that the swale between Lots 1 and 2 is not really a swale, just site grading.

Discussion of Lot 5 (RDA: SCC No. 05-31)

- D. Mitchell questions why the foundation drain outlet daylights so far from the house. D. Mitchell still concerned with the amount of clearing for the drains.
- L. Jalbert states that the invert must be at the right elevations.

Discussion of Lot 6 (RDA: SCC No. 05-32)

- K. Doyle states that the work is located out of the 200-foot buffer zone—courtesy RDA submitted. Lot 6 is pending sewer and water utility approval from the SCC. Lots 4 through 6 really depend on the approval to install the sewer and water on Lot 3 within the 100-foot buffer zone.

SCC discuss visiting the property for a site walk.

Hearing Continued to 12/1/05 at 8:40PM pending revisions and site walk. Applicant agrees.

9:45PM –OTHER BUSINESS

Vote: DEP 300-589 Releasing the Enforcement Order for 43 Abrams Drive and Request to Amend the Order of Conditions (pending receipt of revised plans). Greg and Erin Abrams

- G. Abrams present for discussion.
- K. Doyle informs the SCC that revised plans have been submitted to the SCC since the site walk. The Applicant is requesting that the SCC release the Enforcement Order so he may enclose the portico (patio). The Public Hearing continues 11/17/05 at 8:25PM.
- G. Abrams presents the revision to the plan to include a drainage (“rain”) garden to mitigate for the work conducted in violation. He wishes to enclose the portico now prior to starting other yard work.
- D. Banicle states that no heavy equipment can be beyond the paved driveway. G. Abrams agrees.
- D. Barnicle states that the plans need to be revised and legible. G. Abrams agrees.
- D. Barnicle states that no earth moving activities should occur as a result of the portico work.
- D. Mitchell questions the rain garden and if there is a gravel base and has there always been water there
- G. Abrams states that water tolerate plants will be installed and filter fabric will also be installed. Does not want the area to collapse.
- D. Barnicle makes a motion that the SCC release the Enforcement Order just for the portico work with the following conditions—no heavy equipment beyond driveway and no earth moving work. D. Mitchell seconds. All in favor: 4/0.
- Discussion: F. Damiano states that the lot is better off with the rain garden.
- G. Abrams states that a portion of the existing driveway was removed to benefit the property—more pervious area.

10:00 PM Appointment: C. MacGregor for The Preserve Storm water DEP 300-471

- C. MacGregor from Brendon Homes present and J. Tetreault from Thompson-Liston Associates, Inc. (Engineer) present for discussion.
- C. MacGregor states that floc-logs and jute matting has been installed at the detention basin.
- SCC discuss the floc-logs. C. MacGregor states that he can provide the SCC with floc-log information.
- K. Doyle states that the problem is 99 New Boston Road—erosion problems because the stormwater system is not working.
- C. MacGregor states that Top Coat is not down for the roadway—it will be down within 3 weeks. The road can be crowned to get the catch basins working. The silt-sacs will be maintained.
- C. MacGregor states that the water is running clear at 99 New Boston Road.
- K. Doyle states that the volume and velocity of the water coming off the Preserve and going to 99 New Boston Road is unacceptable.
- C. MacGregor states that extreme erosion control measures will be installed. Asphalt berms at all catch basins will be installed tomorrow (10/21/05). This will take away the velocity and make the water enter the catch basins.
- C. MacGregor stated that today the bank at 99 New Boston was repaired and armored with rip-rap.

Approved 11/17/05

- Discussion of the drainage area of the Preserve presented by the Engineer (how the Preserve was designed)
- Discussion of the problems, water bypassing the catch basins.
- C. MacGregor states that asphalt berms will be installed tomorrow at all berms and topcoat within 3 weeks.
- K. Doyle requests that someone witnesses the rain event to make sure the asphalt berms work.
- SCC to visit property on Saturday (10/22/05)

Other Business

Tabled & Included:

- Wayland Dunn for 14 Mashapaug Road Violations: DEP 300-615: K. Doyle states that she spoke with J. Dunn. Work has not been complete due to recent rain. Work to be conducted this weekend, J. Dunn to follow up with SCC on Monday 10/24/05
- Bennetts Rd Drainage Culvert Replacement : SCC agrees with Letter Permit approval.
- Discussion of Correspondence while KD was out (446 Main Street, Ladd Road, Outdoor World WASH OUTS): K. Doyle informs SCC of wash outs and shows SCC photographs. K. Doyle to write a memo supporting Beaver dam removal at 444 Main Street. K. Doyle to follow up with Ladd Road Emergency repair. Outdoor World Campground located at 19 Mashapaug Road to submit NOI for restoration.
- Discussion of Upcoming Hearings: 12/1/05, 12/15/05, 1/5/06, 1/19/06
- Discussion of 10/22/05 Site Walks
- SCC Reorganization: F. Damiano makes a motion to leave the SCC Membership the same (D. Barnicle as Chair and D. Mitchell as Vice Chair.) D. Mitchell seconds the motion. In favor: 3/1 D. Barnicle opposed. D. Barnicle states that the SCC will re-vote in 1 year.

Sign Order of Conditions

- Order of Conditions: DEP 300-671. 79 Main Street
- Order of Conditions: DEP 300-670. 35 Breakneck Road
- Extension of Order of Conditions: DEP 300-482 78 Fairview Park Road
- Certificate of Compliance for 101 Breakneck Road

Motion to adjourn: 11:35 PM