

**STURBRIDGE CONSERVATION COMMISSION (SCC)**  
**Minutes for Thursday November 17, 2005**

**MEMBERS PRESENT 7:00 PM**

Board Members: D. Barnicle (Chair), E. Goodwin, F. Damiano and D. Mitchell (7:15PM)  
K. Doyle for minutes

**7:01 PM: CPA Update**

Tabled update by E. Goodwin

**7:04 PM: Site Walk Update**

D. Barnicle states that he visited the septic system repair project at 164 Podunk Road. Project seems to be okay in accordance with the plan. No major issues.

**7:06 PM APPROVAL OF 10/20/05 MINUTES:** F. Damiano makes a motion to accept the 10/20/05 minutes, E. Goodwin seconds--all in favor: 3/0.

**7:08 PM WALK INS**

1. 14 Mashapaug Road Violations DEP 300-615

- M. Farrell from Green Hill Engineering, Inc., J. Dunn and others present. M. Farrell submits As-Builts to the Commission. As-Builts show that the driveway was constructed off property. K. Doyle provides a quick summary of the project—she has not reviewed the As-Builts. K. Doyle states that some debris was removed and is stored on property in a storage trailer
- M. Farrell explains the history of the project and the on-going complications—100-foot zoning set back from the road that caused the flip-flopping of the house to the rear of the property. E. Goodwin recalls discussing the flip-flop of the house, there was a site visit to inspect the erosion controls. He does not recall approving the flip-flop (house location change).
- F. Damiano states that he and the agent (K. Doyle) measured the distance from the driveway to the wetland—34 feet, which is unacceptable. K. Doyle questions that the driveway is off property and questions the location of the existing silt fence on property. K. Doyle questions if the Building inspector knows about the driveway being off property.
- M. Farrell states that the driveway location was changed in the field as the construction was ongoing. D. Mitchell states that changing the location of a permanent structure such as a driveway should not be a field change.
- F. Damiano questions if a certified Land Survey was completed. M. Farrell states that the survey is preliminary—he preformed the survey.
- F. Damiano states that so many violations have occurred, he would like to see at a minimum a vegetation planting barrier, permanent markers at the 25-foot no touch zone and an injection well to help control run off from the driveway and the roof—should be engineered. F. Damiano requests an engineered plan.
- D. Mitchell states that his concern is the erosion. The erosion on property needs to be controlled, the pavement of the driveway needs to be broken off, plans need to be certified—it should not be up to the contractor on where to design.
- D. Barnicle states that the plans need to be stamped, signed and dated. A plan needs to be designed to show that the water on property is contained, especially around the perimeter of the house.

FINAL Approved 1/19/06

- D. Mitchell states that the erosion needs to be controlled, the property is on a slope. M. Farrell states that a swale is proposed on the side of the driveway.
- K. Doyle states that a Request for an Amendment should be submitted to the SCC. F. Damiano states that he prefers the plan to be done by an Engineer and not a Sanitarian.
- SCC decide that new plans shall be submitted addressing all concerns and that the Applicant needs to stay in contact with K. Doyle

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

**REQUESTED CONTINUANCE: 12/15/05 7:15PM**

**7:25 PM – VOTE:** RDA: SCC 05-37: 164 Podunk Road, septic repair. Green Hill Engineering representing P. Tremblay.

- M. Farrell present.
- K. Doyle states that the project is within Natural Heritage estimated habitat for endangered species and that the Commission should not vote on the project until comments are received from Natural Heritage.
- SCC continues the project vote until 1/5/06 at 7:20PM pending comments from Natural Heritage. M. Farrell agrees.

**7:30 PM – PUBLIC HEARING**

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

**REQUESTED CONTINUANCE: 12/15/05 AT 8:45PM**

**7:35 PM Discussion:** Dan Flynn for 37 South Shore Road Violations DEP 300-589

- D. Flynn of Flycon Homes and S. Morrison from EcoTec, Inc. present
- K. Doyle summarizes the SCC concerns (SCC visited site on 11/5/05, list of concerns sent to applicant on 11/8/05) and the concerns of the applicant—maintaining the swale on property (see letter sent to the SCC on 11/1/05).
- S. Morrison states that he visited the property on 11/15/05 and the swale is installed, all disturbed areas are graded and seeded, water quality swale is functioning properly—no accumulated sediment.
- D. Barnicle questions how the water enters the swale on South Shore Drive. SCC members observed that when the road is resurfaced, the swale becomes blocked.
- D. Mitchell states that if there is no sediment in the swale then maybe it is not working properly, swale is supposed to settle sediments.
- D. Flynn states that the hill did not wash out and no sediment entered the wetland during the major rain events. The bollards are in and rip rap has been added to the outlet pipes.
- D. Barnicle states that the upper end of the water quality swale is blocked. D. Mitchell suggests that the SCC members observe the swale during rain to determine if it works properly. D. Mitchell questions if the swale has been seeded. S. Morrison states that it has been seeded but the seed will not germinate unless there is a warm period.
- E. Goodwin states that the current property owner is responsible to cleaning and maintaining the swale. D. Flynn disagrees—he does not recall the Commission discussing who is responsible for maintaining the swale. D. Barnicle questions if the property owner will not maintain the swale, then who will—it is a private road. Both D. Mitchell and E. Goodwin agree that it was their impression that the property owner needs to maintain the swale.
- D. Barnicle states that the swale was installed for compensation for the previous violations.

FINAL Approved 1/19/06

- D. Flynn states that he was not aware that the property owners would be responsible for the swale. K. Doyle states that the property owners should have received a copy of the Order of Conditions—recorded on their deed. D. Flynn questions if the Lake Association should be responsible for the swale. F. Daminao states that the property owner is responsible and it is not the Commission’s concern that the property owners were not informed properly. D. Mitchell states that it is the property owner’s responsibility and if the Applicant wants to change the responsibility then he must come up with an alternative party. D. Barnicle states that the Applicant had the right to appeal the Order—go to DEP and file a complaint.
- F. Damiano suggests that the SCC reviews their concerns one by one (as listed in the SCC letter dated 11/8/05). S. Morrison states that the water never receded to clean the sediment out of the wetland. His opinion is that there will be more disturbance to the wetland to remove the material now. Vegetation has grown back.
- D. Flynn & S. Morrison inform the SCC of the following items: swale is stabilized with seed and hay, bollards have been installed, deck was constructed in August—members of the Commission observed the deck and rip rap was added to the pipe crossing the driveway
- D. Barnicle states that the deck needs to be added to the plan—not on the As-Built plan. SCC members show concern for the eroded area near the driveway. S. Morrison states that in the spring the area will grow and re-establish. E. Goodwin questions if the neighbor is aware of the paved swale on the two property lines. D. Flynn states that G. Morse gave him the “ok” to install the swale. SCC members see the extra swale as a benefit.
- The Quink’s are present (current property owners) and question what is considered maintenance of the water quality swale. D. Mitchell states that maintenance includes removing the junk from the swale that would prevent the water from moving through—shovel out the dirt/leaves etc.
- D. Barnicle states that the SCC should visit the site when raining and that a new As-Built is needed to show the deck. Also, indication of the swale maintenance needs to be added to the plan. D. Flynn states that he made an effort to do the right thing and involve G. Morse.

### **8:15 PM – PUBLIC HEARING**

NOI: DEP 300-679: Lot 4 off Bentwood Drive—Proposed Duplex (Refiled). Jalbert Engineering representing Sturbridge Investors (related to DEP 300-660 denial and Enforcement Order).

D. Barnicle opens the public hearing, D. Roberts and L. Jalbert present from Jalbert Engineering. K. Doyle receives the proper notifications (green cards from abutter notification and newspaper ad).

SCC Comments—

- K. Doyle summarizes the project to the SCC—the Applicant has submitted a new NOI package in response to the Commission’s denial and Enforcement Order. The revised NOI includes a more detailed planting plan to compensate for the tree clearing that occurred in the buffer zone in violation. K. Doyle states she has no problems/concerns with the new plans.
- D. Mitchell questions how the plants were chosen
- D. Barnicle questions if there was an increase in impervious area

Applicant Comments-

- D. Roberts states that the plants chosen for the landscaping are consistent with the community and surrounding area.
- D. Roberts states that a leaching pit has been designed to receive the run off from the roof.

SCC Comments—

FINAL Approved 1/19/06

- D. Barnicle and D. Mitchell question the pitch of the driveway and if there are anticipated flooding problems at the base near the garage.
- F. Damiano suggests a leaching pit for the driveway
- D. Mitchell questions what is preventing water from entering the garage.
- K. Doyle suggest rip rap added to the perimeter of the driveway to help infiltrate the runoff
- E. Goodwin questions where is the perimeter drain
- E. Goodwin questions the size of the trees to be planted—7 white pines with a caliper of 3 to 4 inches.
- K. Doyle states that larger trees do not have the success rate of smaller caliper trees.

Applicant Comments-

- D. Roberts goes over the plan with the Commission to show the proposed slopes of the driveway. Sloped away from the garage. D. Roberts states that gravel can be added to help infiltrate any driveway runoff.
- D. Roberts states that it is not a slab foundation (B. Soper confirms) and does not need a perimeter drain.
- D. Roberts states that the leach pit will allow the runoff to infiltrate.
- D. Roberts states that plant nurseries do not sell much larger caliper trees.
- E. Desrosier (abutter) questions how many trees are proposed.
- D. Roberts states that 12 trees are proposed

SCC Comments—

- K. Doyle states that there is a combination of trees and shrubs to be planted.
- D. Mitchell states that he is fine with the project, as long as there is some type of infiltration for the driveway runoff. F. Daminao agrees.
- D. Barnicle states that the hearing shall be continued pending the receipt of revised plans. (D. Roberts requests that the hearing close tonight and issue the Order when the plans are received and D. Barnicle disagrees.)

*Hearing continued to 12/8/05 at 7:20 PM for a vote pending receipt of revised plans. Applicant agrees.*

**8:30 PM – PUBLIC HEARING:**

RDA: SCC # 05-39 for a proposed Sanctuary at 8 Eagle Avenue. Jalbert Engineering representing New Life Fellowship.

D. Barnicle opens the public hearing, D. Roberts and L. Jalbert present from Jalbert Engineering and abutters (see Sign In Sheet) present. K. Doyle receives the proper notification requirements.

SCC Comments-

- K. Doyle gives a quick summary of the project—a Request for Determination (RDA) was filed with the Conservation Commission because all work is out of the 100-foot buffer zone. The goal of the RDA is to get a negative Determination stating that the proposed work will not have an impact on the wetlands and therefore will not require a Notice of Intent filing. A Sanctuary is proposed on the property—the only structure that does not have to meet zoning guidelines.
- D. Mitchell questions the building type
- K. Doyle presents the Commission with a folder that was found in the Office files—September 2004 the new property owners requested that the Commission walk the property to see if a parking lot could be constructed. (Currently there is a gravel parking lot on property that was built without Conservation permits).

Applicant Comments-

FINAL Approved 1/19/06

- D. Roberts states that the Sanctuary building will be a Church and currently the services are held in the residence on property—services are Wednesday night and Sunday.
- D. Roberts states that all work is out of the 100-foot buffer zone.
- D. Roberts states that he does not know when the gravel parking lot was built.
- D. Roberts states that any church activity will utilize the parking lot for Dr. Warner's building. Dr. Warner gave permission in writing to the Church to utilize the parking lot.
- D. Roberts states that the Stormwater is treated with a Leaching Pit—there is no net gain of runoff.

SCC Comments-

- K. Doyle reads to the Commission a letter submitted by an abutter—E. Colwell. His concerns are flooding and that there was a pond filled in the past on Dr. Warner's property.
- E. Goodwin states that the problem is that the gravel parking lot on property was built in violation and is less than 25-feet of the wetland. Not allowed according to our regulations.
- K. Doyle states that the Commission could require a Notice of Intent to include the parking lot work that was previously done.
- D. Mitchell questions if Eagle Avenue is a Town Road

Applicant Comments-

- D. Roberts states that the parking lot is not a problem to the wetlands.
- D. Roberts thinks that Eagle Avenue is a right-of-way. He does not know if the road is maintained by the Town. The property is at the terminus of Eagle Avenue.

Abutter Comments-

- J. Gowing is concern is the traffic, Eagle Avenue is a one lane road and there at wetlands along the road.
- E. Cowell is concerned with the slope and the wetlands on property.
- Other abutters comment on how the gravel parking lot is there and was built in the past year.

SCC Comments-

- D. Barnicle states that he wants to close the hearing—there was no permit obtained for the parking lot and now the parking lot is within 20-feet of the wetland.
- D. Mitchell states that at the very least, the parking lot needs to be pulled back from the wetland.
- E. Goodwin states that the parking lot was done in violation and the new proposal should include ways to benefit the wetland.
- E. Goodwin makes a motion to issue a Positive Determination requiring a Notice of Intent. F. Damiano seconds the motion, all in favor: 4/0.
- SCC discusses requirements for the NOI submittal: D. Mitchell states that a drainage plan for the stormwater needs to be submitted—compliance with the Stormwater Policy. D. Barnicle requests mitigation for the parking lot and to pull the parking lot away from the wetlands.

*Hearing closed. A Positive Determination is to be issued requiring the submittal of a Notice of Intent. Applicant agrees.*

### **9:00 PM – PUBLIC HEARING**

**CONTINUED: DEP 300-589 Request to Amend Order of Conditions for 43 Abrams Drive (Result of an Enforcement Order).**

D. Barnicle re-opens the public hearing, G. Abrams present.

SCC Comments—

- K. Doyle states that at the last hearing the Commission released the Enforcement Order for enclosing the proposed portico (work has not started). Revised plans were submitted today—clearer plans.

Applicant Comments-

- G. Abrams states that no landscaping will be done this year due to the weather.
- G. Abrams states that grading can be done now but the plantings will have to wait for next year.

SCC Comments-

- D. Barnicle states that grading now can cause a problem, erosion can occur. He suggests that the property be stabilized with jute mesh/rye seed. The bare ground should be covered. The erosion controls should be re-enforced.
- D. Mitchell questions where the grading work is to take place.

Applicant Comments-

- G. Abrams states that the 580 elevation is the low point on the property—there is a retaining wall.
- G. Abrams states that this is the area of the proposed garden and plantings will be done in the spring.

SCC Comments-

- D. Barnicle questions the proposed work and excavating 2-feet into the water table. Flood zone is a elevation 576.
- D. Mitchell questions the accuracy of the plan
- D. Barnicle questions who is doing the grading work on property

Applicant Comments-

- G. Abrams states that D. Kaibenski is doing the work. A concrete interlock wall is proposed and planting area.

SCC Comments-

- K. Doyle explains why the Enforcement Order was issued and what work is proposed on the Amendment to the Order of Conditions.
- E. Goodwin states that the plan is not properly certified, the plan is fragmented—the plan needs to be done by a professional for the flow detail.
- K. Doyle states that the property stabilization needs to be addressed
- D. Barnicle states that once the property is stabilized then the Commission can approve the work.
- D. Barnicle questions why the portico isn't enclosed since the Commission gave approval to do it.
- E. Goodwin suggests that K. Doyle visit the property to see the stabilization measures.
- D. Mitchell questions the detention area proposed with plantings

Applicant Comments-

- G. Abrams states that the portico is not enclosed because of a problem with the contractor.
- G. Abrams states that the detention area is to be graveled with tall grasses to be planted.
- G. Abrams states that the intention is bring the low area of the property another foot lower.

SCC Comments-

FINAL Approved 1/19/06

- D. Barnicle states that a drainage swale is not an improvement, a rain garden would improve the water quality of the Lake.
- F. Damiano states that a leach pit or a rain garden would be best.
- D. Mitchell states that K. Doyle should inspect the property for stabilization and the Commission shall re-visit the plans at a later date.

*Hearing continued to 1/19/06 at 7:30 pm. Winter stabilization site walk to occur. Applicant agrees.*

### **9:25 PM – PUBLIC HEARING**

NOI: DEP 300-682. Septic System repair at 11 Shepard Place. Green Hill Engineering representing property owner, Irene Ethier

K. Doyle states that the Applicant's representative—M. Farrell from Green Hill Engineering requested a continuance in writing this evening and left. Abutters (T. Gunderman) are present for discussion. Abutter concerned with drainage of the property. The area is wet and there are potential for more flooding problems. SCC show the abutters the project plans briefly.

*Hearing continued to 1/5/06 at 7:50 pm.*

### **9:30 PM – PUBLIC HEARING**

NOI: DEP 300-680. Septic System repair at 88 McGargle Road. Jalbert Engineering, Inc. representing property owner, Carol Carpenter.

D. Barnicle opens the public discussion, D. Roberts and L. Jalbert present from Jalbert Engineering. K. Doyle receives the proper notification requirements.

SCC Comments—

- K. Doyle gives a quick summary of the project—septic system repair with the installation of a tight tank.
- F. Damiano questions what a tight tank is

Applicant Comments—

- D. Roberts states that the tight tank is a holding tank for the septic, an alarm is installed to let the owner know if the tank is full and needs to be pumped.

SCC Comments—

- SCC decides that K. Doyle is to visit the site and provide the Commission with photographs. Project is minor.

*Hearing continued to 1/5/06 at 8:10PM pending a site walk. Applicant agrees.*

### **9:35 PM – PUBLIC HEARING**

NOI: DEP 300-681. House Addition and property improvements at 207 Shepard Road. Jalbert Engineering, Inc. representing property owners, Peter & Marie Daley

D. Barnicle opens the public discussion, D. Roberts and L. Jalbert present from Jalbert Engineering and P. Daley present. K. Doyle receives the proper notification requirements.

SCC Comments—

- K. Doyle gives a quick summary of the project—house addition with additional grading proposed.

FINAL Approved 1/19/06

- K. Doyle questions if other wetlands abut the property.
- D. Barnicle questions the timing of the work
- D. Mitchell questions the old foundation to be removed and if roof drains are proposed

Applicant Comments—

- D. Roberts states that the wetland are in the rear of the house, another house is immediately adjacent to the subject house (no wetlands on the side).
- P. Daley states that gutters are proposed
- P. Daley states that the concrete slab is to be broken and removed.

SCC Comments—

- D. Mitchell suggests that the roof runoff is directed into the ground water via leaching pit
- D. Barnicle states that there is a significant amount of grading proposed. He requests that the applicant stakes the property and the limit of work prior to a site walk.
- D. Mitchell questions if the existing driveway is to be expanded

Applicant Comments—

- P. Daley states that the driveway may need to be re-done over and maybe a little wider.
- L. Jalbert and P. Daley discuss minor changes to the proposed work (size of garage/addition and driveway). L. Jalbert states that the driveway will have to be wider
- D. Roberts states that a revised plan can be drafted to clarify the proposed work and add the leaching pit.

SCC Comments—

- D. Barnicle states that the Applicant is to submit a revised plan and inform the SCC Office when the property is staked and ready for a site walk.

*Hearing continued to 12/8/05 at 9:20pm pending revised plans and site walk. Applicant agrees.*

### **9:45 PM – PUBLIC DISCUSSION**

78 Fairview Park Road: DEP 300-482. EcoTec, Inc. representing the Lloyds

- The Lloyds and P. McMannus present
- K. Doyle summarizes the to the SCC what has occurred. The flared end was installed on property 11/9/05. EcoTec, Inc. has drafted a remediation plan to the 25-foot buffer zone that includes plantings. K. Doyle suggests to the SCC that As Built Plans are submitted to the Commission under the responsibility of the original Applicant (Judson Building Company). As Builts are important to see the elevation of the recently installed flared end and the final location of the house, driveway and all other structures.
- SCC member agree that an As Built needs to be submitted. D. Barnicle suggests that As Builts are submitted by Dec 6, 2005. P. McMannus states that he does not want to speak on behalf of the Applicant (Judson Building Company) but he does not think that timeframe for As Builts is reasonable.
- SCC members decide that end of December/beginning of January is suitable for As Built submittal. K. Doyle to write letter to Judson Building Company requesting As Builts in the allotted time or fines to be instituted. K. Doyle questions the Lloyds if they give consent for a surveyor to enter their property for the As Built survey. Lloyds give consent.
- SCC members review the remediation plan. D. Mitchell states that typically the SCC likes to see monitoring for two years of growth. D. Mitchell also states that photographs with the monitoring



FINAL Approved 1/19/06

reports would be helpful. E. Lloyd states that she does not understand. D. Barnicle states that the SCC need to ensure the success of the plantings.

- P. McMannus states that he has no problem revising the remediation plan to include monitoring and photograph reporting. P. McMannus states that the 25-foot buffer zone shall also be marked.
- SCC Members summarize what is needed from the Applicant and property owner and D. Mitchell makes a motion requiring: Letter to Judson Building Company to be drafted requiring As Builts by end of December 2005/January 2006 and remediation plan is to be amended by EcoTec, Inc. to include photo documentation after the plantings and documentation after the first growing season. E. Goodwin seconds the motion, all in favor: 4/0

## **10:02 PM – OTHER BUSINESS**

**Appointment: Outdoor World Campground (19 Mashapaug Road) represented by Fuss & O' Neil**

- Representatives from Fuss & O'Neil and Resorts USA (property owners) present.
- K. Doyle summarizes to the Commission that she visited the site on 11/10/05 with the property owner and Fuss & O'Neil to determine the wetland location and the extent of the sediment in the wetlands. A new plan was submitted to the SCC showing the wetlands being delineated in the field and a restoration plan to clean the wetlands was submitted 11/16/05. The restoration plan was e-mailed to the SCC members for review
- D. Mitchell states that he does not agree with the proposal to leave sedimentation less than 3-inches in place. There is considerable amount of fill and the composition of the sediment needs to be taken into consideration. Most of the sand must be removed, a 3-inch layer is not acceptable.
- D. Barnicle states that the seed bed should not be disturbed. F. Damiano states that 3-inches or less of material should be left in place. D. Mitchell states that the clay needs to be removed and the organic loam must stay.
- K. Doyle questions the stream restoration—the intermittent stream has mucky banks and is not well defined. Any bank restoration in the remediation plan? D. Barnicle questions if the stream has constant flow
- Fuss & O'Neil states that they believe the stream is a drainage ditch to the gravel pit. Cannot locate the stream on the USGS Map. K. Doyle states it is shown as intermittent on the USGS. Fuss & O'Neil review USGS Map, stream is shown on map—Fuss & O'Neil have an outdated map.
- D. Mitchell states that an inch to ½ an inch shall be left for material. D. Barnicle agrees that the seed bed will not be disturbed and the plants will be able to establish.
- E. Goodwin states that the buffer zones need to be established. The job of the SCC is to protect the wetlands and the resource areas and the buffer zones need to be established—25-foot no touch buffer zone.
- D. Mitchell questions if removing the sediment from the wetland the only restoration needed on property? Resorts USA states no, camp spots and the access road need to be restored. Resorts USA states that they are not against the wetlands, want to protect the wetlands but also wants to restore what was there prior to the damage.
- Fuss & O'Neil states that the property owner wants to re-establish what was there pre-existing to the storm and wash out. E. Goodwin states that the project is a clean slate, the road was located within the 25-foot buffer zone and it cannot be located there. Resorts USA states they are in no position to reconfigure their campground and the layout of the lots.
- D. Barnicle questions when the roadway was installed. He recalls sewer work on property in the 1990s. Fuss & O'Neil states that the sewer treatment plant went through Conservation in 1996. D. Barnicle questions if the roadway was approved during the sewer permitting process—is the roadway Grandfathered from the 25-foot no touch?

- F. Damiano agrees with removing the sediment but not re-establishing the roadway. E. Goodwin states there is no way to telling that the roadway will be established to where it was prior to the blow-out. D. Mitchell questions the Notice of Intent filing—what work will be included, the dike/dam remediation and armoring the roadway to protect the wetlands?
- Fuss & O’Neil states that the property owner has not had negligent actions—being pro-active about protecting the wetlands and restoring the area. Requesting to shift the location of the roadway is unreasonable. F. Damiano states that removing the sediment and installing the road where it was cannot happen. D. Barnicle states that the Applicant should prove that the road was there in 1996 when the sewer work came in. How does the SCC know that the roadway wasn’t installed at the wetlands edge illegally and without a permit? E. Goodwin states that if the work was done illegally, the Commission needs to protect the wetlands as much as possible. If gravel was used for the roadway and not sand, there might not have even been a washout problem.
- D. Barnicle states for the Notice of Intent, a topo map is needed and a more detailed plan of the area. All the underground piping needs to be shown too.
- Resort USA states that they at least want to fill in the ruts of the road for safety reasons. It was a passable road. F. Damiano states it is tough because there is no way to tell where the road was prior to the washout. F. Damiano states there are three issues at hand: 1. the SCC agrees to remove the sediment in the wetland (up to ½ to 1 inch) 2. the roadway cannot be restored and 3. where will the roadway go when it is time to fully restore the area?
- SCC discuss the roadway repair, D. Mitchell states that he needs documentation that the road can be put back. Fuss & O’Neil state that all they want to do is pull the material out of the wetland and smooth it out over the where the road was—fill in the ruts and gaps. F. Damiano states that the contractor would be working in good faith (no permit or Order of Conditions), he does not want the final plan or Notice of Intent to be delayed. E. Goodwin states that the property owner does not have to build the road to take the silt out. Covering the exposed pipes is one thing, but not to rebuild the road.
- SCC discuss the action items and D. Mitchell makes a motion to allow the Applicant/property owner to: 1. remove the sediment from the wetland in accordance to the letter dated 11/16/05 (sediment to be removed to 1 ½ inches). Sediment to be stockpiled on property and not within the 100-foot buffer zone to wetlands. 2. fill in the ruts with gravel near the exposed pipes for safety 3. rope off the area with caution tape 4. research and submit plans showing the roadway location and when it was built within 2 weeks. F. Damiano seconds the motion. All in favor: 4/0.
- F. Damiano discusses that a realistic deadline for the Notice of Intent should be set. Fuss & O’Neil states that the Notice of Intent will be filed by February 2006.

Discussion: C. Zafaris present for Discussion of 70 Stallion Hill Road: DEP 300-616

- C. Zafaris present for discussion. K. Doyle states that she spoke with DEP and DEP’s initial thought is that the contractor should be held responsible for cleaning the wetlands. The contractor was responsible for the erosion controls during construction of the house and driveway. K. Doyle also stated that she spoke with G. Morse of the DPW to try and understand what occurred during the October rain events and why there was so much damage. K. Doyle informed the Commission that the perennial stream located south of the property “jumped” the banks during the rain events, traveled down Stallion Hill Road and blew out the subject property. (see USGS map).
- C. Zafaris states that the contractor at the time was B. Caron. The washout was not a result of faulty erosion controls—there is a flooding problem up gradient. C. Zafaris refers to photographs in the SCC files. C. Zafaris states that he received a Memo from J. Malloy stating that the problem was a drainage problem and the where the stream crosses under Stallion Hill Road there needs to be a box culvert and there needs to be an easement for two pipes (recollection of Memo not 100%). C. Zafaris states there is a swale in his yard and the foundation was in prior to the storm.

FINAL Approved 1/19/06

- D. Mitchell states that he and E. Goodwin walked the stream and the stream is a rocky channel and it was running clean. The fill in the wetland was gravel based and the area will restore itself—the water quality of the stream and the wetland is good. E. Goodwin states that he recommends that the SCC let the situation go, cleaning out the wetland would cause more damage. E. Goodwin states that there really is no blame here—the situation is different than Outdoor World because gravel entered the wetland, not heavy sand and clay. The wetland will restore itself, it already has started to—the stream was running clean.
- E. Goodwin makes a motion that the SCC let the situation go for now and not go after the contractor to remove the sediment/gravel that entered the wetland. Monthly reports should be submitted to the SCC to see how the project is going. K. Doyle shall request to be kept in the loop in regards to the drainage situation on Stallion Hill Road. D. Mitchell seconds the motion, all in favor: 4/0.

### **OTHER DISCUSSION**

Tabled and included:

- Discussion of January and February 2006 Hearing dates: 1/5/06 and 1/19/06. SCC Members agree that every other Thursday is fine.
- Request for Extension: DEP 300-504, 304 & 306 Leadmine Road: K. Doyle reads to the SCC the Extension request by D. Seaver dated 11/1/05 requesting a 2-year Extension to the Order of Conditions. D. Barnicle states that the project does not have zoning approval. E. Goodwin makes a motion to approve the Extension with a Condition that zoning approval is required for work. D. Mitchell seconds the motion: All in favor 3/1 opposed (D. Barnicle).
- 96 Brookfield Road Letter Permit for Tree Removal : K. Doyle shows the SCC members photographs from when she visited the site. SCC Members okay with the letter permit approval.
- Discussion of 2005 Special Meeting Warrant: D. Mitchell is concerned with training someone to take the meeting minutes. D. Barnicle thinks it is a great idea and that having someone take the minutes would allow K. Doyle more time to be active in enforcement of the Regulations. SCC Members agree. D. Barnicle questions the other SCC Members if they approve of the current format of the minutes (bulleted discussion verses paragraph discussion). SCC members state that the format of the minutes should stay the same (bulleted discussion).

### **SCC Members Sign:**

- DEP Nos. 300-649 through 300-653. Five Single Family houses at 269 Cedar Street DENIALS
- RDA SCC #05-34. 84 Westwood Drive stream determination
- The Highlands Subdivision DEP 300-466 and The Sanctuary Subdivision DEP 300-470 EXTENSION

Motion to adjourn and accepted: 11:58 PM