

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday December 8, 2005

MEMBERS PRESENT 7:00 PM

Board Members: David Barnicle, Chairman (DB), Ed Goodwin (EG), Donna Grehl (DG), David Mitchell (DM), and Frank Damiano (FD)

Agent: Kelly Kippenberger (KK)

7:06 PM CPA Update

Provided by EG and included discussion of the Heins Farm and the Holland Road River property—KK to follow up with Order of Conditions

7:13 PM Minute Approval

FD makes a motion to approve the 11/3/05 public hearing minutes as reviewed. DM seconds, all in favor: 5/0.

7:15 PM WALK INS

New Life Fellowship Church at 8 Eagle Avenue—Discussion of gravel parking facility

- L. Jalbert and D. Roberts from Jalbert Engineering, Inc. and Pastor K. Bergquam (Applicant) present for discussion
- KK gives a summary of the project, D. Roberts requests feedback from the SCC regarding the gravel parking lot within the 25-foot buffer zone.
- SCC Members discuss their concerns with the parking lot: DB states that the parking lot should be removed. FD states that the parking area causes concern, gravel could be left if bollards are installed to prevent cars from parking 25-feet from the wetland. DM states that the parking lot is an encroachment on the 25-foot buffer zone and wonders if the functions of the MA Wetland Protection Act are impacted. He questions if the Applicant will be able to improve the situation and mitigate for the disturbance.
- Pastor states that large boulders could be installed at the 25-foot buffer zone to block from parking close to the wetlands. He encourages less parking in that area—parking will be for visitors and handicapped
- EG states that the parking lot is a clear violation, the SCC previously informed the property owner of the wetland and the buffer zones around the time of the sale of the property.
- KK agrees with re-establishing the 25-foot buffer zone by installing boulders and plantings.
- SCC members agree that there are measures to be taken to protect the wetland and the 25-foot buffer zone.

7:20 PM VOTE

NOI CONTINUED: 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)

- L. Jalbert and D. Roberts from Jalbert Engineering, Inc. present.
- KK gives the SCC a summary of the revised plans submitted showing the stone at the edge of the driveway to help absorb the runoff.
- SCC Members discuss the plantings proposed and the size of the plantings.
- SCC Members discuss the miss-communication between the Applicant, Engineer and Contractor.
- DM makes a motion to approve the project as shown on the revised plans. FD seconds, all in favor 5/0.

- Discussion of the issuance of the Order of Conditions, KK requests permission and consent from Jalbert Engineering to issue the Order in more than 21 days, Jalbert gives consent. Jalbert Engineering requests the original Order of Conditions for recording.

Hearing closed and approval Order of Conditions to be issued.

7:25 PM VOTE

4 RDAs CONTINUED : SCC 05-29 through SCC 05-32 and 3 NOIs: DEP 300-672, 300-673 and DEP 300-685 at 209 Main Street (Single Family Houses on Lots 1 through 6). Jalbert Engineering representing Rom's Restaurant

- L. Jalbert and D. Roberts from Jalbert Engineering, Inc. present.
- KK gives the SCC a summary of the project and the permit process (RDAs and NOIs). KK show SCC members the wetland line that was previously determined and reviewed by the SCC (Spaho development project) and the wetland line on the current plans. The wetland delineation matches.
- SCC Members discuss if special conditions are necessary. SCC Members discuss the drainage easements and if bollards are needed. DPW is to maintain the drainage easements on lots 1 and 4
- EG makes a motion to issue Order of Conditions approval for Lots 1 and 4 and the Utility NOI, and negative Determinations for Lots 2, 3, 5 and 6. FD seconds the motion, all in favor: 5/0.
- Discussion: KK requests permission and consent from Jalbert Engineering to issue the permits in more than 21 days. L. Jalbert requests that the Order for Lot 1 is signed next meeting (December 15, 2005) and the other permits can be issued more than 21 days. KK agrees.

Hearing closed, three approval Order of Conditions and four Negative Determinations to be issued.

7:30 PM – PUBLIC HEARING

AMENDMNET: DEP 300-626. Request to Amend Order of Conditions for single-family house project at 118 Clarke Road. Jalbert Engineering, Inc. representing Howerton's

DB opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering, Inc. C. Rizy (abutter) is present. KK receives the proper notifications (abutter green cards and newspaper advertisement) to open the hearing.

- KK summarizes for the SCC the project and the reason for the Amendment Request. The SCC issued an approval Order of Conditions for a plan that included a property line adjustment. The driveway was constructed in the wrong location, it was not constructed in center of the property line (one driveway and wetland crossing). Since the issuance of the Order, the abutter is no longer allowing the property line adjustment and the Applicant is requesting to Amend the Order to include widening the driveway and altering the wetland. Wetland replication is included in the requested project change. KK states that 190 square feet of fill is proposed, alternatives need to be exhausted.
- EG questions C. Rizy (abutter) why he is no longer allowing the property line adjustment. C. Rizy states that he is just not allowing it.
- D. Roberts states that the Applicant had a verbal agreement from C. Rizy for the property line adjustment, approval for the adjustment was never in writing.
- FD states that the wetland needs to gain from the situation, the replication is 2:1. The Applicant may need to go above and beyond the replication requirements.
- EG states that this would be an additional wetland crossing, the SCC has specifically stated in the past that no new wetland crossings are allowed in the area. He cannot allow more wetland alteration. He

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wants to cooperate with the property owners, but an additional wetland crossing is not the best alternative.

- SCC discuss the wetland alteration impacts. EG states that the project change is significant and that a new NOI should be filed for direct wetland alteration and replication. FD agrees with EG and he makes a motion to deny the amendment request and require a new NOI submittal. EG seconds the motion, all in favor: 5/0.

Hearing closed. Amendment request denied and NOI to be filed.

7:50 PM – PUBLIC HEARING:

RDA: SCC 05-43. Single-family house construction at Lot 1 Wallace Road (part of 12 Wallace Road). Jalbert Engineering, Inc. representing T. Reardon Builders

DB opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering, Inc. A. Faulk (abutter) is present. KK receives the proper notifications (abutter green cards and newspaper advertisement) to open the hearing.

- KK summarizes the project for the SCC Members, house is located within the 200-foot buffer zone of a bordering vegetated wetland. A perennial stream is located on the USGS within the wetland area, Riverfront Area is not shown on the plan and neither is the stream.
- L. Jalbert states that the wetland is a complex system with beaver activity—located behind the Cloutier Farm.
- D. Roberts states that the house will have private well and town sewer.
- DM questions the status of the property. L. Jalbert states that it is an overgrown field. EG states that there are some stone walls in the area, it may be a scenic road. He also states that there may be a depression in the field, a possible vernal pool. DG states that a site walk is needed. She also states that the perennial stream and wetland flags need to be reviewed.
- A. Faulk (abutter) states that the property is already cleared and that a well has already been installed. Trees were cut and stumped and the well was put in February/March, then the hay bales were installed. He states that there is drainage from the site and a trench is beyond the hay bales. Also, houses have been built on the abutting lots.
- DB is upset that Jalbert Engineering presented a plan to the SCC and did not mention that the property was already cleared. EG questions if L. Jalbert has visited the site. L. Jalbert states no.
- D. Roberts states that Jalbert Engineering did the plans for the Building Inspector, only Lot 1 is within the buffer zone.
- SCC Members discuss the alteration of the property without permits. The wetland delineation has not been approved, how is it certain that the houses are out of the buffer zone.
- DM questions how Jalbert Engineering did not know the properties were cleared, not far from office. SCC requests that revised plans are submitted showing the wetland flags, the Riverfront Area and the disturbed area.

Hearing continued to February 2, 2006 at 7:30 PM pending revised plans to be submitted (see above).

8:09 PM – PUBLIC HEARING

RDA: SCC 05-44. Single-family house demolition and re-construction at 130 Lake Road. Jalbert Engineering, Inc. representing Bemis

DB opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering, Inc. KK receives the proper notifications (abutter green cards and newspaper advertisement) to open the hearing.

- KK summarizes for the SCC the proposed project and her concerns: what is the limit of the disturbed area, and where will the stock piling be located
- EG questions L. Jalbert if he has seen the site and if work has been done on site. D. Roberts states that he has been to the site and that a well was recently installed (shown on the plan) and a sewer “grinder” pump was installed during the Big Alum sewer project. The property is on town sewer.
- DM questions the change in the footprint of the house. L. Jalbert states that the existing house is about 800 square feet and the application wishes to increase the house to about 1200 square feet.
- EG states that an Order of Conditions should be needed. DG states that she recommends a site walk. L. Jalbert states that the property is easiest accessed from Brookfield Road.
- L. Jalbert states that the house has been there for a long time, there is lawn and a few trees.
- EG questions if the project includes completely tearing down the house and if the elevations are to stay the same. L. Jalbert states that the grades are to stay the same.
- DM states that he is not convinced that a Determination is the best thing for this project, a NOI may be needed. SCC discuss Determinations verses Order of Conditions.
- DG questions if the house floods. DB questions if a foundation is proposed
- L. Jalbert states that dumpsters are to be onsite and that a stone foundation is present—it is an old camp. A concrete foundation is proposed.
- SCC Members agree that a site walk is needed.

Hearing continued to 1/19/06 at 8:20 pm pending a site walk.

8:30 PM – PUBLIC HEARING

AMENDMENT: DEP 300-508. 31 South Shore Drive—Request to Amend the Order of Conditions and Request to Extend the Order of Conditions. Jalbert Engineering representing G. Allard

D. Barnicle re-opens the public hearing, L. Jalbert and D. Roberts from Jalbert Engineering, Inc. and G. Allard (property owner/applicant) present. P. Mimeault (abutter) is also present.

- KK summarizes the project—an Order of Conditions was issued 6/19/03 and the new property owner is looking to extend the Order and make a couple of changes such as driveway drainage improvements and relocated the house.
- EG questions the size -of the septic system. G. Allard states that a 4 bedroom septic system is being installed but the house is going to be a 3 bedroom. A 4 bedroom septic is in case of any future expansion of the house.
- EG has no problems with the project changes and makes a motion to approve the Amendment. DM seconds the motion, all in favor: 5/0.
- KK questions if the DEP has received the revised plans. D. Roberts states that he sent DEP the new plans via certified mail.
- KK states that the Applicant is also requesting a 3 year Extension. P. Mimeault (abutter) questions the Extension process.
- DB states that he is not in favor of a 3 year extension, would like to see the project completed and stabilized soon.
- DB makes a motion to Extend the permit for 3 years, EG seconds the motion. All in favor: 4/1 (DB opposed—work should be done in 1 year).

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- KK states that the longer the Order is valid, the longer the SCC can monitor the property and request improvements if needed.
- KK questions if the driveway is to be paved. G. Allard states that the driveway will be stone.
- KK requests consent for more than 21 days to issue the Amended Order, consent granted by L. Jalbert.

Hearing closed, Amendment granted with a 3 year Extension.

8:40 PM – SIGNING OF PERMITS

Due to five spare minutes prior to the start of the next scheduled hearing, members agree to sign the following permits:

- Ratify 126 Clarke Road—DEP 300-416: Enforcement Order
- DEP 300-663 271 Cedar Street ORAD
- DEP 300-674 120 Lane 10 Order of Conditions
- DEP 300-675 124 Lane 10 Order of Conditions

8:45 PM – PUBLIC HEARING

NOI: DEP 300-683. Construction of a gazebo and walkway at 78 South Shore Drive. Jalbert Engineering representing G. Allard

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts from Jalbert Engineering, Inc. and G. Allard (property owner/applicant) present. P. Mimeault (abutter) is also present. KK receives the proper notifications (abutter green cards and newspaper advertisement) to open the hearing.

- KK gives a brief summary of the project, property within Natural Heritage Habitat (letter received stating that no adverse impacts would occur as a result of the project), Riverfront Area and buffer zone to South Pond. The proposed project includes a walkway within the 25-foot buffer zone and a gazebo within the 50-foot buffer zone. The SCC office received a letter from an abutter, P. Mimeault—KK forward the letter to the SCC members for review. KK reads portions of the abutter letter submitted (see file).
- L. Jalbert states that no permanent pilings are proposed, the boardwalk includes disks that would set on the ground.
- DG questions the slope of the property. G. Allard states that there is a gentle slope. Minimal trees will be cleared, the trees to be removed are flagged on the property.
- EG questions why the gazebo is within the 50-foot buffer zone. DB states that the gazebo is a permanent structure. D. Roberts states that a permanent structure has a foundation.
- FD states that the walkway will have low impact if built on stilts.
- SCC Members discuss what is a permanent structure. EG states that the SCC has to be consistent with the 50-foot no build zone. DB states that the area is flat and may wash out on a regular basis.
- DM questions the walk way to the water. G. Allard states that he will use the walk way to access the dock. The dock has been removed, it is temporary. G. Allard states that the purpose of the walk way is to minimize disturbance to the beach area.
- KK questions if the dock is on footings, or a floating dock. G. Allard answers that there was no dredging for the dock and a permit was obtained by the Harbor Master. DG states that he will have problems with the dock and walkway, that area of the Lake does not have normal water levels.
- EG states that he will have to look in the area of the walkway. Wood chips should not be used.
- KK discusses the performance standards of the Riverfront Area. The other side of the River is disturbed with a maintained boat ramp. DM mentions the fish nursery areas present in the stream and DG states that the area has a high level of wildlife, salamanders.

- P. Mimeault questions the accuracy of the lot lines on the plans, there is a 50-foot wide easement and Lot 27 is vacant.
- SCC Members state that a site walk is needed. EG states that a site walk should occur without snow cover. KK states that the Mean-Annual High Water Mark of the Lake should be flagged in the field and shown on the plan, and the Bank of the River.
- P. Mimeault questions the hemlock trees on property, some hemlocks are flagged to be removed. How can that be possible if (Canada) hemlocks are wetland plants? KK states that hemlocks could be wetland indicator species if in a wetland and possess indicators of hydrology. The property is not a wetland but hemlocks are common in the area.
- Revised plans to be submitted showing the Bank of the River and the Bank of the Lake.

Hearing continued to March 2, 2006 at 7:30pm pending site walk and revised plans.

9:20 PM – PUBLIC HEARING

NOI: DEP 300-684. Demolition and reconstruction of a house and installation of a septic system at 80 & 118 Leadmine Lane. Jalbert Engineering representing the applicant, G. Pinto.

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts from Jalbert Engineering, Inc G. Pinto (Applicant) and J. Alexopoulos (Landscape Architect) present. KK receives the proper notification requirements (abutter green cards and newspaper advertisement) to open the public hearing.

- KK summarizes the project to the SCC. Existing camp house is within 25-feet of a perennial stream, but will be removed and a new house built within the 50-foot buffer zone. Septic system is proposed across Leadmine Lane and a wetland is to be crossed, the NOI was filed as temporary impact to the wetland. Majority of the work is located within the Riverfront Area to a perennial stream, significant impact due to over 5,000 square feet of Riverfront Area alteration. Other alternatives may exist, tight tank or installing the pipe within the roadway. KK reads to the SCC members that alternative analysis included in the NOI application.
- SCC discuss the impacts of the project. D. Roberts states that the project is temporary disturbance, not permanent. Two sleeved pipes are proposed for easier maintenance—the pipe will not have to be dug up for maintenance. G. Pinto states that trees do not have to be cut. SCC discuss the utility easement.
- KK questions if a tight tank could be installed. L. Jalbert explains that a tight tank is not preferred by DEP for Title V and can only be used if no other alternatives exist. L. Jalbert submits Title V Tight Tank Regulations.
- EG questions the temporary impact and the re-establishment of wetland vegetation and that he needs to visit the site. EG questions the set back of the sewer pipe from the property line. L. Jalbert states it must be a minimum of 10-feet off the property line.
- FD states that temporary disturbance is okay. DM questions the width of the disturbance, the pipes are 2-inch PVC pipes, why 15-feet of disturbance.
- G. Pinto states that he hired a Landscape Architect for the restoration work. KK questions if the Architect has worked in wetlands before. J. Alexopoulos states that he can do the restoration work no problem, but he is not a wetland scientist.
- SCC Members state that a site walk is needed when there is no snow cover.

Hearing continued to March 2, 2006 at 7:50 PM pending a site walk.

9:40 PM – PUBLIC HEARING

D. Barnicle re-opens the public hearing, D. Roberts from Jalbert Engineering, Inc and P. Daley present.

- KK states that she conducted a site walk on 12/8/06, no issues with the project. KK shows the SCC Members photographs of the property. Erosion controls were installed at the time of the inspection and trees were already cleared.
- P. Daley states that 3 large trees and small saplings were already removed—before the erosion controls were installed. The erosion controls were installed as soon as KK informed him that it needed to be done.
- DG questions why the trees were removed. D. Roberts states it is in the area for the house addition and the grading.
- FD makes a motion to approve the project and issue an Order of Conditions. DG seconds the motion, all in favor: 5/0. KK requests that a special condition is added that the erosion controls are extended to prevent sediment from entering the neighbors property.
- P. Daley questions when the Order will be ready. KK states that she can have it ready for signing on December 15, 2005. P. Daley requests that the Original Order is sent to him for recording.

Hearing closed and approval Order of Conditions to be issued.

9:50 PM OTHER BUSINESS

1) Appointment: 126 Clarke Road—DEP 300-416: Proposed Cell Tower. Enforcement Order

- B. Lucia present for discussion. KK summarize the issues with the project. Monitoring reports were never submitted to the SCC as requested. B. Lucia faxed the response to the violations observed 11/22/05 the night of the hearing and it was not received until Friday morning—Enforcement Order was in place. DB states that one of the main problems is that no reports were submitted to the SCC—credibility is low. There was a series of agreements that was not followed through: no erosion controls on the slope, no check dams, no gravel, storing materials in the wrong place etc.
- B. Lucia states that he is present to resolve the issues. He submitted a color sketch of what is proposed to restore the area. SCC discuss the rip-rap shown on the plan at the culverts. B. Lucia disagrees with the plan, does not believe rip-rap is proposed.
- SCC Members request to go over the report (item by item) prepared by B. Lucia (dated 12/1/05) in response to KK's list of violations (see file).

Number 1: Reports were not submitted. B. Lucia states that he will submit a status report by Wednesday of next week (12/14/05). He states that the work in the wetland is complete and the replication area will start in the spring. DB questions when the silt will be removed from the wetland. B. Lucia states the silt in the wetland is minimal, an approximate 5x10-foot area about 1 -2 inches thick. The silt can be cleaned out by hand.

Number 2: When will the construction entrance be established? B. Lucia said gravel will be added next week. He notes that there is dirt on the road from other projects nearby.

Number 3: Stabilization of the slope. B. Lucia refers to the sketch and states that check dams (5 to 6 inch stone) will be added for filtration. The check dams are on the original project plan (see detail). Hay bales are to be installed on the slope as the machine moves—every 20-feet. The hay bale check dams will be in the rear of the machine.

Number 4: Stock piling next to wetland is the wetland soil removed from the crossing. DB questions the replication area and the hydric soil. B. Lucia states that the soil that was removed from the wetland is not good quality—very rocky. Wetland soil will need to be brought in to establish the replication area.

Numbers 5 through 7 (addition of stone and rip-rap for stabilization) will be completed by next week. Status of the completed tasks will be submitted in the report.

Number 8: Silt will be removed by hand once thaw has occurred. The entire wetland crossing has been stoned.

Number 9: Extra erosion controls / repair of silt fence to be completed next week. KK mentions that there are some holes in the silt fence.

Number 10: Plantings are to be done in spring to mitigate for the extra clearing that occurred.

- KK is to email B. Lucia and V. Drouin of Green Mountain Communications a summary of this discussion.
- EG questions the check dams. B. Lucia states that a couple of hay bale dams are in place at the base of the slope.
- SCC Members discuss releasing the Enforcement Order. DM states that it is clear that the project “got away” from being in control. KK questions if they plan on moving forward with construction in the winter. B. Lucia replies yes.
- DB states that he is not in favor of releasing the Enforcement Order yet. He would like to see if the work as stated will be completed and if a report will be submitted next Wednesday. EG states that he is in favor of releasing the Enforcement Order and makes a motion for release. DB seconds the motion, all in favor: 2/3 (DM and EG in favor). DB states that the Enforcement Order is to remain in place until the remediation work has started and a status report is submitted next week. SCC will revisit the property once the status report is submitted, discussion can resume next meeting.

2) 78 Fairview Park Road: Req. for Ext. of Order DEP 300-482

- E. Lloyd (property owner) present for discussion.
- KK summarizes that an Extension to the Order of Conditions was requested to allow monitoring of the buffer zone plantings.
- EG makes a motion to Extend the Order of Conditions. DM seconds the motion, all in favor: 5/0.
- E. Lloyd questions if the SCC could issue a partial Certificate of Compliance once the plantings are installed. KK states that partial certificate of compliances are project specific, typically if only a portion of a project was completed and the other portion was never started.

OTHER BUSINESS

Tabled and included:

- Lake Maintenance Discussion led by DM: DM proposes to develop a “committee” to come up with NOI requirements for Lake Vegetation Maintenance NOI filings. The Committee shall include 2 SCC Members, SCC Agent and Lake Associate representatives. The requirements are to be based off the GEIR for Lake Management. DM is to draft a letter to the Board of Selectman requesting information on how to set up the “Committee”.
- FD requests that KK follow up with 14 Mashapaug Road project
- EG questions the Maple Hill project and discusses the sewer and water issue if a restaurant is to be in the building.
- Dynamics of Democracy: DB states that N. Ryder did vernal pool projects in the past but it was very time consuming. He believes that the SCC is too busy now to get involved. SCC members are to come

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up with projects if possible. KK mentions inventory of the stream crossings, to see how many meet the new standards. SCC members discuss the safety issues associated with inventory of the crossings.

- EG discusses Conservation Restrictions as part of land ownership Open Space.

Motion to adjourn: 11:25 PM