

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday December 15, 2005

MEMBERS PRESENT 7:12 PM

Board Members: David Barnicle, Chairman (DB), Donna Grehl (DG), and David Mitchell (DM)

Agent: Kelly Kippenberger (KK)

7:12 PM WALK INS

51 Holland Road Property—Remediation Project. DEP 300-553

- B. St Hilliare present for discussion.
- KK states that B. St Hilliare is the LSP for the project. The remediation project was issued a non-compliance from the DEP, therefore B. St Hilliare is proposing to install 3 monitoring wells within the wetland. The contamination plume from the artesian well needs to be identified. DB states that the monitoring well locations need to be shown on the plan.
- B. St Hilliare states that the monitoring wells will be installed within a 100-foot radius of the artesian well. Four wells are actually proposed, 1 upstream of the existing well and near the access road and 3 down stream of the existing well.
- SCC members question the nature of the monitoring wells. B. St Hilliare states that the well locations will be well marked and flagged, the wells will be deep and cored through rock. The drilling of the monitoring wells will stop if solid ledge is hit.
- B. St Hilliare states that Tyrone Jones is taking full responsibility for the project and wants to do things right (sold the property but contracted to remediate the site). KK states that the Order of Conditions needs to be addressed, the monitoring wells are out of the scope of the Order of Conditions. KK questions if the Order has been recorded, B. St Hilliare says no. DB states that the Order of Conditions is the SCC's leverage to get things done right and clean the site. B. St Hilliare states that he needs to see what has been done on the project and evaluate the Order of Conditions (Sugrue Associates was the LSP on the project). B. St Hilliare states that he will copy the SCC on all correspondence on the project.
- DM questions if B. St Hilliare can speak on behalf of Tyrone Jones. B. St Hilliare confirms that he can speak on his behalf. DB stresses his concerns of multiple property owners over the past couple of years and that the Conditions in the Order are not getting done. DB states that the first thing is to record the Order, then the SCC will need a list of what has been done and when it was completed.
- DG states that she needs to see the site and needs to review the plans. B. St Hilliare states that as the LSP he needs to respond to DEP and the monitoring wells need to be installed. DM states there has been a lack in response so far and the SCC needs information upfront from here on. DB questions the amount of disturbance associated with the monitoring wells. Details need to be on a plan.
- SCC members state that they cannot grant approval for the monitoring wells until more information is submitted. B. St Hilliare states that he can get the SCC additional information (Order of Conditions update and monitoring well details) and then return for monitoring well approval.

7:35 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 from Escape Estates, Inc. present.
- KK states that since the last hearing, the plans have changed drastically. CME Engineering (Town Engineer) reviewed the project through the Planning Board process and has recommended that two

detention basins are constructed to maintain the two watersheds. The second detention basin encroaches on the Open Space and it is located on the steep slope that was preserved with one basin.

- DB questions the outlet of the second basin. A. Cormier states that it is to be a level spreader, not a one point source discharge. A. Cormier describes the level spreader and how the water will fill the spreader area and weep over the edge. A. Cormier states that the plans will most likely be revised again. KK states that she is concerned with the steep slope and the amount of earthwork. A. Cormier states that he does not like the idea of cutting the trees on the slope. DB states that his main concerns are the amount of tree clearing and the work on the steep slope.
- SCC members briefly discuss other aspects of the project such as the sewer main installation and the curb cut on Cedar Street. DG states that a lot of water is in the area of Cedar Street. A. Cormier agrees, a drop inlet was installed a couple of years ago.
- DB states that the SCC must review the revised plans and not vote on the project. KK states at the last public hearing, the SCC closed the hearing with no anticipation of additional information. KK states that the public hearing must be re-opened to discuss the revised plans. A. Cormier agrees. The abutters need to be re-notified and a Legal Ad needs to be posted in the paper. DM makes a motion to re-open the public hearing, DG seconds the motion. All in favor: 3/0.
- Hearing to be re-opened January 19, 2006 at 8:35 PM. KK to notify the Planning Board of the SCC's concerns relative to the disturbance of the slope. Abutters to be re-notified and legal ad in the paper.

7:50 PM – PUBLIC HEARING

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

DB re-opens the public hearing, L. Jalbert from Jalbert Engineering, Inc. and N. Anders (abutter) are present.

- KK states that no new information has been submitted, a site walk occurred on 11/15/05 to review the questionable wetland area. KK, DG and G. Krevosky (wetland consultant) attended the site walk—KK requested DEP Data transects to be submitted. The wetland area is borderline upland, there are wetland species and some upland species. The soils are borderline hydric, mottling is present. The transect data will be able to compare the adjacent upland and wetland areas to the questionable area.
- DB states that the wetland consultant shall wait for the snow to melt before conducting review. KK questions L. Jalbert if it is worth the battle to argue the wetland delineation.
- N. Anders (abutter) states that he is concerned with the location of the detention basin and the rock that is present on property. There is a significant amount of ledge and granite, he questions the retention of the drainage. He is also concerned with the blasting that is proposed, there is an artesian well on the abutting property—what is the extent of the blasting.
- DM questions if there is extensive blasting. L. Jalbert states that there will be some blasting in come areas. L. Jalbert reviews the well and sewer installation.
- SCC members state that the wetland delineation is the main issue right now. KK states that there are two options, either continue to argue the wetland delineation and wait for snow to melt to continue the field investigations or re-delineate the wetland and include the questionable area.
- DB questions L. Jalbert if he would like a continuance. Yes.

Hearing continued to January 19, 2006 at 8:55pm. Applicant agrees.

8:10 PM – PUBLIC HEARING:

DB re-opens the public hearing, C. Kilgore, T. Helwig (attorney) and abutters present.

- KK states that no new information has been submitted. SCC members visited the property on 11/5/05. The project includes after-the-fact work built in violation with no obtained permits. There is work in the 25 and 50 foot buffer zones, there is an increase in impervious area and an increase in run-off. A Special Permit is needed from the Zoning Board of Appeals.
- T. Helwig states that he is on the Conservation Commission in Northboro, he is aware of the wetland regulations and protecting the Lake. He states that the property owner did not know that permits should have been obtained prior to the work. He states that the property was previously disturbed, the structures were built in the same footprint of previous structures, and the new structures are consistent with the neighborhood.
- DM states that it has been the SCC intent and policy to pull structures back from the Lake. The buffer zone is extremely important to the water quality of the Lake. DB is concerned with the direct runoff into the Lake. DB states that he has serious concerns from his observations on the site walk. Erosion has occurred and runoff will be increased. DM states that the garage is a new structure, there was nothing there previously and the new garage is in the 50-foot buffer zone.
- T. Helwig states that the work that was done is a significant hardship, the property owner trusted the contractor and the contractor said no permits were needed. DM states that he is aware of the hardship, but regardless of how it happened, the SCC must think about how the Lake will be impacted.
- C. Kilgore questions what can she do to better the situation. DM states that a vegetation screen could be planted, the runoff could be collected, some structures should come down—mitigation should occur.
- KK states that the Conservation process allows mitigation and remediation, ZBA process does not. KK recommends that the property owner files the ZBA permit application, prior to going through the Conservation process. The structures are complete and sitting on property in violation to Zoning regulations.
- Girouard (abutter) states that his view of the Lake is blocked. He cannot understand how the buildings went up without planning and zoning. DB states that the SCC cannot consider the view of the Lake. Other abutters present commenting on the structures blocking views.
- T. Helwig requests to speak with his client about how to move forward. He states that if the Commission could call out the issues, that would give them some direction on how to proceed.
- SCC members recap the issues: 1) control of the runoff 2) amount of impervious area 3) closeness to the Lake—structures should be pulled back. DG states that she has a concern with the erosion on the property from the paved driveway.
- C. Kilgore states that an old dock was removed, can she put a new dock in the water?
- DM states that he would prefer to discuss the structures that are in violation before any new structures.
- DB questions if the Applicant wants a continuance. Yes.

Hearing continued to February 2, 2006 at 7:50 PM pending revised plans and additional information addressing the SCC concerns.

8:32 PM – PUBLIC HEARING

NOI CONTINUED: DEP 300-678. 186 New Boston Road, Single Family House and Reclassification of a Stream. Green Hill Engineering representing J. Boutiette

DB re-opens the public hearing, M. Farrell from Green Hill Engineering, Inc and C. Childress (abutter for Opacum Land Trust) are present.

- KK states that no site walk has been conducted. The project includes a stream reclassification and the construction of a driveway crossing and single-family house. Since the last hearing, more detailed topography map was submitted.
- DM states that the drainage area shall be recalculated the old-fashion way, using the topo map and connecting all of the high points. M. Farrell explains the Stream Stats application and the results of the stream. DB states that he is concerned with the area of the watershed and if there is stratified drift. M. Farrell describes the area to the SCC.
- KK states that she is concerned with the beaver dam upstream.
- M. Farrell states that the SCC is reluctant to change the status of the stream, should he move forward with the stream being perennial? DG states that the SCC is not reluctant, just making sure that the SCC has all of the facts.
- DM states that the watershed size should be calculated by hand. DB states that when the snow melts, the SCC needs to take a site walk.

Hearing continued to February 2, 2006 at 8:20 pm pending a site walk.

8:50 PM – PUBLIC HEARING

RDA CONTINUED: SCC 05-36. 45 Wallace Road, Stream Reclassification. Green Hill Engineering representing L. Walker

D. Barnicle re-opens the public hearing, M. Farrell from Green Hill Engineering present.

- KK states that SCC members have yet to conduct a site walk, due to the weather.
- DB states that similar to 186 New Boston Road project and stream reclassification, the hearing should be continued until the snow melts and a site walk is done. M. Farrell agrees.

Hearing continued to February 2, 2006 at 8:30pm pending site walk

8:45 PM – PUBLIC HEARING (scheduled time)

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

WRITTEN REQUESTED CONTINUANCE TO 2/16/06 AT 7:30PM

9:00 PM – PUBLIC HEARING

RDA: SCC 05-46. 483 Main Street (Fiskdale Substation), Proposed Improvements to Massachusetts Electric Company Substation (National Grid)

DB opens the public hearing, P. Richards and A. Willoughby from National Grid present. KK receives the proper notification requirements (green cards from abutter notification and legal ad).

- KK summarizes the project for the SCC members. Work is included within the existing substation—no work beyond the fence. There is a spill containment berm along the perimeter of the station, therefore

erosion controls are not necessary. Dredging work is minor, removal of concrete pads, removal of transformers etc.

- A. Willoughby confirms the work that is to be performed, 2 transformers to be removed, the transformers will be replaced on poles, controls are to be replaced and old foundations are to be removed. DM questions the presence of PCBs. A. Willoughby states that the site is clear of PCBs, Clean Harbors drains the oil of the transformers etc.
- DB questions the timing of the work and if any work is located outside of the gates. P. Richards states that they would like to start the work as soon as possible and all work is within the confinements of the station. SCC members discuss the material of the berm. A. Willoughby states that it is made up of a geotextile fabric and stone.
- DM questions if mercury is present in the switches. A. Willoughby states that she does not believe so. SCC confirms that less equipment will be on site and the geotextile fabric and stone is to stay. A. Willoughby states that a SPCC plan is in place for the substation—there is about 1,320 gallons of oil onsite. BSC Group did the wetland delineation in the rear of the station. Maintenance of the station is done in accordance with the SPCC plan—there are b-monthly inspections.
- DB questions if KK has any other concerns. KK states no concerns, but would like a copy of the SPCC Plan. DB makes a motion to issue a Negative Determination. DG seconds the motion, all in favor: 3/0.

Hearing closed and a Negative Determination to be issued.

9:15 PM – PUBLIC HEARING

AMENDMENT Request: DEP 300-644. 118 Arnold Road, Proposed Garage and Driveway. Green Hill Engineering representing K. Strum

DB opens the public hearing, K. Strum, M. Farrell from Green Hill Engineering and Karl (GHB Construction) present. KK receives the proper notification requirements (green cards from abutter notification and legal ad).

- KK summarizes the amendment request for the SCC members. KK states that she does not believe the minor change in the garage size will impact the stream. A portion of the driveway is located within the 50-foot buffer zone already and the area exists as lawn.
- DB apologizes to the property owner for not contacting them prior to the site walk, as requested. DG states that she noticed the dumping near the stream was cleaned up and debris was removed, good thing.
- Karl states that the garage has been downsized in order to move into the 50-foot buffer zone. Gutters are proposed with a dry well. Plantings are proposed to mitigate for the 50-foot buffer impact.
- DG questions the square footage of the garage to be in the 50-foot buffer zone. Karl states about 15 square feet. DG questions the trees that were cut down near the hay bales. Karl states that the stumps are to stay, the stumps to be ground down. DM questions the plantings, the mountain laurel shall be planted by hand.
- Karl states that the area of the garage contains hard soil and gravel, property was filled in when Cooper Road was built. DB states that he is uncertain about the foundation. Karl states that no test pits were done to see depth of fill. DB states that the foundation footings need to be on natural soil, not fill.
- DG questions what kind of trees are to be removed. Karl states that an oak tree and a maple are to be removed. DM questions if the mountain laurel will succeed if property is fill. DB states that there is shrubs and other ground cover on property.
- DB requests a detail of the infiltration pit to be on the plan. DM also requests a Condition that the plants are installed by hand. Karl states that no erosion from installing the plants is proposed. DM makes a motion to approve the project with the mentioned conditions. DG seconds, all in favor: 3/0.

Hearing closed and an approval Order of Conditions to be issued with Special Conditions. K. Strum requests the Original Permit to be sent to her.

9:35 PM OTHER BUSINESS

1) Discussion: 14 Mashapaug Road: DEP 300-615. Discussion of as-built plans and erosion control

- M. Farrell present for discussion.
- KK states that she believes that a formal request to Amend the Order must be filed and the public hearing must be re-opened. M. Farrell submits revised plans dated 12/15/05.
- DM states that he is concerned with the runoff on the side of the driveway and the erosion. M. Farrell states that the swale is in good condition. KK states that the large paved driveway is the problem, causing the erosion problems and high velocity runoff.
- DM questions the roof run off and if a dry well is proposed. M. Farrell states that there is a pipe on the flat portion of the lot. KK states that the perimeter drain shall be located on the plan, and the driveway should also be located on the plan.
- DB states that remediation will be needed for the damage done.
- Revised plans are to be submitted and a formal Amendment request must be made.

2) 126 Clarke Road—DEP 300-416: Proposed Cell Tower. Enforcement Order

- V. Drouin from Green Mountain Communications present.
- SCC members discuss the late submittal of information.
- KK states that the culvert proposed on the plan at the start of the access road was not installed. V. Drouin states that G. Morse stated that it was not needed, he agreed with the contractor.
- DB states that whatever the reason, the plan needs to reflect any changes. V. Drouin states that a catch basin is located to collect any runoff from Clarke Road.
- DM states that all of the plan changes need to be marked and numbered on the plan.
- V. Drouin states that the muck near the machine needs to be mucked out, riprap needs to be installed and stone check dams.
- SCC members discuss the rip rap at the culvert crossings and the stone check dams/swales on the steep slope.
- V. Drouin states that the stone check dams will be installed up to station 450 on the plan.
- SCC Members discuss and list out the remaining issues: 1) riprap on the culvert outlets before spring 2) All plan changes need to be called out 3) check dams and stone dams to be installed up to station 450 4) rocks and gravel to be installed on base road 5) spot grade elevations to be done at the culverts in place.
- All additional information to be submitted by January 4, 2006 by 12noon.

OTHER BUSINESS

Tabled and included:

- Discussion of National Grid Maintenance in Sturbridge: SCC Members state that the specific window of time needs to be submitted. No work in spring.
- Discussion of 444 Main Street flooding problem (DEP 300-416)
- 55 Beach Road Letter Permit for Tree Removal: KK to find previous file for the project to see if a Cert of Compliance was ever issued. Visit to the site needed.

FINAL Approved 4/6/06

Sign

- Order of Conditions for DEP 300-672: Lot 1 at 209 Main Street
- Order of Conditions for DEP 300-681: 207 Shepard Road
- Requests for Certificate of Compliances: DEP 300-320—54 Goodrich Road and DEP 300-513—103 Breakneck Road

Motion to adjourn: 11:10 PM