

FINAL Approved March 8, 2006
STURBRIDGE CONSERVATION COMMISSION (SCC)
Minutes for Thursday February 2, 2006

MEMBERS PRESENT 7:05 PM

Board Members: D. Barnicle (Chair), E. Goodwin, D. Grehl, F. Damiano, and D. Mitchell (7:11 PM)
K. Kippenberger, Conservation Agent
D. Garry for minutes

7:06 PM CPA Update

- Discussion of the Heins Farm Conservation Restriction (CR). The CR was emailed to SCC members for review. K. Kippenberger states that the CR is for the 13-acre portion of the Farm—the existing structures and two (2) acres for one (1) proposed single-family house will be subdivided out of the 13-acres. The 85-acre portion of the Farm will have a separate CR. D. Barnicle states he has no problem with the CR as written and makes a motion that the SCC approves the CR and signs the document. D. Grehl seconds the motion, all in favor 4/0.
- Brief discussion of the Old Sturbridge Village parcel. K. Kippenberger shows the SCC Members the aerial map of the Old Sturbridge Village parcel (845 acres).

7:14 PM Brief Discussion of 269 Cedar Street Superceding Order of Conditions

F. Damiano questions if the SCC should appeal the Superceding Order. K. Kippenberger states that the SCC has 10 business days to appeal DEP's decision. The project does not have approval to move forward at this point. The project only has MA Wetland Protection Act approval, the project needs approval from the Local Wetland Bylaw. Applicant can either file a new NOI under the Local Bylaw or appeal to Superior Court. Members of the SCC do not want to appeal DEP's decision.

7:19 PM Zoning Study Committee Update

F. Damiano has no update. K. Kippenberger states that the Zoning Study Committee meets the second Thursday of every month and that D. Garry will be taking minutes for that Committee as well. K. Kippenberger proposes that the SCC modify their meeting schedule to avoid conflicts with the Zoning Study Committee—SCC should meet 1st and 3rd Thursday instead of every other. D. Barnicle agrees to modify the hearing schedule. All in favor: 5/0

7:24 PM PUBLIC HEARING

NOI CONTINUED: DEP 300-687. 126 Podunk Road (Lot 2 of former 112 Podunk Road), Proposed Single-Family House. Consolidated Design Group, Inc. representing Paramount Construction Co.

D. Barnicle re-opens the public hearing, T. Marsh (Applicant) is present. K. Kippenberger summarizes to the SCC the project changes as a result of the 1/21/06 Site Walk. The location of the well has moved away from the wetland resource area—revised project plans were submitted.

SCC Comments-

- SCC Members discuss the revised plan and their concerns related to the well being on the downslope to a wetland resource area
- D. Mitchell questions if the leach field was moved to change the location of the well
- E. Goodwin is concerned with how close the wetland is and wants to make sure making sure to keep the hillside clean.
- D. Barnicle states that he does not want any work to be done beyond the crest of the slope.

- E. Goodwin questions if the Applicant should sign a letter stating that the contractor digging the well will be liable if damage to the wetland occurs

Applicants Comments-

- T. Marsh states that the septic system was relocated to be out of the 100-foot well radius, it was moved closer to the road.
- T. Marsh states that he could install a double row of hay bales around the area of the well to ensure protection.

SCC Comments-

- K. Kippenberger states that she has no problems with the project as revised, work is out of the 50-foot buffer zone and a double row of hay bales will be installed. The spoil pile should be removed and not stock piled on site.
- D. Mitchell motions to approve the project with Conditions, F. Damiano seconds the motion: All in favor 5/0.

Hearing closed and an Order of Conditions approving the project to be issued. Applicant agrees.

7:39 PM PUBLIC HEARING

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

D. Barnicle re-opens the public hearing, D. Roberts from Jalbert Engineering present. K. Kippenberger gives a summary of the project, at the previous hearing the SCC found out that the lot was already cleared and other houses have been built (part of a 6-lot ANR). The SCC requested that the Applicant file RDAs for all 6-house lots, since it was assumed that the houses were located out of the 200-foot buffer zone. The Applicant has submitted 5 other RDAs and conducted an As-Built survey—houses are located within the 200-foot buffer zone. Initial hearing on the other lots is scheduled later in the evening.

SCC Comments -

- K. Kippenberger states that revised plans were submitted for Lot 1. The plan shows the wetland flags and the location of the perennial stream (as digitized off the USGS Map). The SCC has not walked the site yet.
- D. Mitchell questions digitizing streams off the USGS maps vs. off the aerial maps.
- K. Kippenberger questions the perimeter drain trench and the clearing limits.
- E. Goodwin questions if the perimeter drain could be pulled back off the steep slope
- D. Barnicle is concerned with the steepness of the slope—additional hay bales will be necessary
- E. Goodwin states that he needs to visit the site.

Applicants Comments-

- D. Roberts states that a safety fence is proposed to limit the amount of clearing.
- D. Roberts states that the perimeter drain trench will be 4 to 5 feet wide. The perimeter drain must daylight at the proper elevations—gravity drain.
- D. Roberts states that the lots will have a private well and town sewer. The lots have a leaching pit and foundation drain for the roof runoff

SCC Comments -

- F. Damiano questions if town water is available

- E. Goodwin questions where the neighbor's septic system is located
- D. Mitchell states that the leaching pit seems to be close to the foundation of the house.

Applicants Comments-

- D. Roberts states that the leaching pits are typically 10-feet from the foundation and the perimeter drain is 55-feet from the house in order to meet elevations.

SCC Comments-

- D. Barnicle states to have this continued pending site walk.
- K. Kippenberger states that after the hearings for Lots 2 through 6, she will continue the hearings together and have one hearing for Lots 1 through 6.

Hearing continued to March 2, 2006 at 8:45 PM pending a site walk. Applicant agrees.

7:52 PUBLIC HEARING

NOI CONTINUED: DEP 300-676. 85 Shore Road, Single Family House Improvements - Deck, patio and dock. Property Owner - C. Kilgore.

D. Barnicle re-opens the public hearing, C. Kilgore (property owner), R. Uzan, R. Atchue and abutters present. C. Kilgore's Father requests to make a comment prior to starting the public hearing, SCC indicates that he will be able to comment after the Agent makes an opening summary.

SCC Comments-

- K. Kippenberger states that the property owner is in violation of multiple Town Regulations including Zoning, Conservation and the Building Code. Structures (deck, sunroom and garage) were built without permits. Two original structures were removed and replaced, that is the reason why the contractor informed the property owner that no permits were needed.
- K. Kippenberger states that at the last meeting, the SCC showed concern for the amount of impervious area, the proposed run-off and the existing erosion. She met with the applicant to discuss the SCC concerns and a Letter was submitted with proposed remediation measures. (K. Kippenberger read letter to SCC members). Remediation includes removing the sides and roof off the sunroom, installing gutters and a leaching pit for the garage run off and removing a small portion of the paved boat ramp to help with erosion and spread crushed gravel under deck.
- D. Mitchell questions why replacing the pavement with stone. 32 square feet of gravel seems to be small.
- D. Mitchell states that it appears that the boat ramp is off property.

Applicants Comments-

- C. Kilgore states that she considered turf-stone vs. washed gravel for the boat ramp. Her goal was to put in material that would stay in place. She did not put in the boat ramp, there when she purchased the property.
- R. Atchue states that Para Landscaping suggested the 9 x 4-foot area to be gravel to help with the erosion. He would be willing to install stone strips within other portions of the ramp.
- R. Uzan states that he respects the SCC, but his daughter made a mistake and she is trying to find means to keep everyone happy (unrelated personal information mentioned). He states that his daughter was unaware of the violations and requests to know what can be done to allow them to move forward.

SCC Comments-

- D. Barnicle states this is an overriding concern with the wetland protection act. The SCC must make sure that people adhere to the regulations.
- D. Barnicle questions when the Applicant plans on going to the ZBA.
- K. Kippenberger states that under the zoning regulations these structures are illegal. The Zoning Board is not happy that the illegal structures have been on property for over 6 months and no variance or special permit has been filed. (C. Kilgore states that she was told by the Building Inspector to go to Conservation first, she is unsure if should go to ZBA with a demolition permit—needs guidance)
- F. Damiano states for the record that he will not be affected by personal issues. The Commission must base decisions on the Regulations. The SCC is in an awkward situation because the structures are already constructed.
- D. Mitchell states construction needs to be done without impacting the lake.
- D. Grehl states there is a no touch 25-foot buffer zone from the lake.
- K. Kippenberger states she discussed with applicant removing the existing deck (at the edge of the Lake) and planting vegetation in the area. The Applicant told her that there are some pilings and concrete debris under the deck, which could be a potential problem if removed
- K. Kippenberger questions if the dock and patio is part of the application for review—in addition to the existing structures

Applicants Comments-

- C. Kilgore states the old dock has been ripped down—it was in bad shape. Part of the Application included replacing the dock with whatever type of structure that the Commission would allow.

Abutters Comments-

- B. McSweeney speaking on behalf of his father-in-law who is a direct abutter (87 Shore Drive). He is looking for resolution to the problem, but he has concern for the run-off entering his property. He also has concern with the shed obstructing his view of the lake. (R. Atchue states that they are proposing to remove the roof so his concerns should be addressed)

SCC Comments-

- D. Barnicle is not in favor of making a decision and taking a vote tonight, he believes that suggestions need to be made. He states that the Commission would prefer vegetation to be planted, erosion to be stopped and an improvement to the water quality of the Lake.
- K. Kippenberger states it is a difficult situation because the structures were built without permits and permits are to be obtained prior to building the structures.
- E. Goodwin cannot accept the sunroom or the deck, the 25-foot buffer zone should be clear of structures and restored.
- D. Mitchell suggests to resolve the issue with the existing structures structure before discussion the proposed structures—the dock and patio.
- D. Barnicle suggests a continuation, take away the structures from the 25-foot buffer zone and see the ZBA for direction.

Hearing is continued to March 16, 2006 at 7:30 PM pending ZBA status. Applicant agrees.

8:44 PM PUBLIC HEARING

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

D. Barnicle re-opens the public hearing, M. Farrell from Green Hill Engineering is present. K. Kippenberger and D. Grehl conducted a site walk on Jan. 30, 2006 with M. Farrell. K. Kippenberger shows the SCC members photographs from the site walk and states that the property is very wet. It is a low area that collects a lot of run-off from the higher ground.

SCC Comments-

- D. Grehl describes the drainage pipes and the outlet to the wetland. There is a stream present at the outlet.
- D. Mitchell questions diverting the water and re-channelizing the existing flow.
- F. Damiano questions if the proposed system meets Title V

Applicants Comments-

- M. Farrell states that the day of the site walk was peak for the groundwater level. During the summer the property is dry.
- M. Farrell states that the system meets Title V, it will be a raised system

SCC Comments-

- K. Kippenberger states that there are two (2) existing drains that are proposed to intersect with a new pipe. Water will be re-directed to protect the proposed septic system. Ledge is present on the property, however M. Farrell has suggested speaking with the Board of Health with regards to relocating the proposed system.
- D. Barnicle states that he has concerns with intercepting two pipes with one pipe, there will be an increased flow and potential for erosion.
- D. Mitchell agrees, the new outlet will have the potential for erosion.
- D. Mitchell questions if it is possible to relocate the well on the property
- D. Barnicle questions if a tight tank is an alternative (M. Farrell states that a tight tank is only allowed if there is absolutely no other alternatives)
- E. Goodwin states there is a water problem in the area of the property and there is no doubt that the system has to be upgraded. He states that he has no problem with seeking alternative locations for the system.
- E. Goodwin believes that if the water is to be re-channelized, then the abutter should be notified.
- D. Barnicle agrees that other alternative locations need to be looked at. The current location of the system is not the best scenario for the water problem.
- E. Goodwin states that the area is "bone dry" in the summer, but he believes there may be another location that could improve the situation.

Hearing continued to March 16, 2006 at 7:50 PM pending consultation with the Board of Health. Applicant agrees.

8:56 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 and L. Walker present. K. Kippenberger states that she and D. Grehl conducted a brief site walk on Jan. 30, 2006 with M. Farrell.

SCC Comments-

- K. Kippenberger states that the RDA application is for a stream reclassification, the Applicant believes that the stream is intermittent and not perennial as shown on the USGS Map. The regulations state that photographs taken 4 different days (within a consecutive 12 month period) must be submitted and show a dry stream bed.
- K. Kippenberger states that 1 of the 4 pictures submitted does not clearly show the stream bed. She believes the information submitted is inadequate. She also recommends that additional photos be taken, not just in one spot. Curious to know what the stream flow is like upstream of the Wallace Road culvert.
- D. Barnicle states that he has driven by the stream location and witnessed serious stream bank erosion and defined banks. He suggests that the SCC should walk the property near the culvert at Wallace Road and upstream to the wetland in order to make a true decision.
- D. Barnicle states that there is beaver activity upstream
- E. Goodwin questions why change the status of the stream and if we can wait until August to visit the stream

Applicants Comments-

- M. Farrell states the stream does dry out, the flow in the stream fluctuates with the amount of rain. The stream should be dried out this summer in August 2006.
- M. Farrell states that he witnessed the stream dry and he wouldn't be here if it didn't dry up. He signed an Affidavit that the stream dries up for (at least) 4 days out of the year. In hindsight he should have had the Conservation Agent come out and see the dry stream and he should have taken soil borings etc.
- G. Walker states that the reason he wants to change the status of the stream is so that he can thin the woods and trim the trees on property, he knows he could not do that with the 200-foot Riverfront Area.

SCC Comments-

- F. Damiano states that he is willing to give a "free pass" for the photos. He makes a motion to approve reclassification of the stream to intermittent
- K. Kippenberger reads to the Commission 310 CMR 10.58(2)(1)(d) in regards to the 4 days of observation of a dry stream bed.
- D. Barnicle states that the beaver dam may have something to do with the stream's inconsistent flow.
- F. Damiano states that it is one thing to forgive a bad photograph, but it is another thing to not take into account the impoundment upstream.
- K. Kippenberger reads to the Commission Section 4.22 of the Sturbridge Wetland Bylaw with regards to the evidence that must be submitted when requesting a stream reclassification.
- D. Barnicle states that a motion is on the floor, to approve the stream reclassification to intermittent. D. Mitchell seconds the motion. All in favor: 1 (FD), All opposed: 4

FINAL Approved March 8, 2006

- SCC members discuss that inadequate information was submitted and the Applicant shall re-file in the summer when the stream is dry. D. Mitchell suggested a data logger that will take data of the stream.
- M. Farrell states that he will re-file in the summer and have a video and better photographs.

Hearing closed, Positive Determination to be issued denying the reclassification.

9:19 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.

D. Barnicle re-opens the public hearing, M. Farrell from Green Hill Engineering present. K. Kippenberger states that since the last public hearing, Natural Heritage has submitted comments and is requesting a full evaluation of the property by a Certified Wildlife Biologist.

Applicants Comments-

- M. Farrell states that he is currently looking for a qualified wildlife biologist and he is working with Natural Heritage to minimize the negative impact on the rare species habitat and developing way to enhance the habitat.

SCC Comments-

- K. Kippenberger states that the NOI Application including a request to reclassify the stream and build a single-family house. The project design includes a driveway crossing the stream. The Applicant must show compliance with the new stream crossing standards.

Applicants Comments-

- M. Farrell questions if the Commission would be willing to continue reviewing the stream reclassification request even if there is an outstanding issue with Natural Heritage.

SCC Comments-

- D. Barnicle states that the stream bed needs to be walked. He will not walk the stream with snow present. He will not vote on the determination unless he has walked the stream channel.
- K. Kippenberger shows the Commission the photographs that were submitted with the application.
- D. Grehl suggests that the Commission continue the hearing for a site walk, the project is on hold regardless because of Natural Heritage.
- D. Barnicle agrees that a site walk needs to be done and agrees to continue the hearing. He would like the SCC to walk the stream up to the Mass Turnpike.

Applicants Comments-

- M. Farrell states that he has walked the entire watershed; it is a rough walk thick with vegetation.

Hearing continued until March 16, 2006 at 8:10 PM pending a site walk. Applicant agrees.

9:30 PM PUBLIC HEARING

NOI: DEP 300-689. 8 Eagle Avenue, Proposed Church and property improvements. Jalbert Engineering representing New Life Fellowship.

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering, the Pastor from New Life Fellowship is present and abutters are present (see sign-in sheet). K. Kippenberger receives the proper notification requirements (green cards from abutter certified mail and the newspaper ad) prior to opening the public hearing.

SCC Comments-

- K. Kippenberger states that the Applicant has filed a NOI as a result of a Positive Determination issued by the Commission. The RDA Application showed that the gravel parking lot was built within the past year and is within the 25-foot buffer zone. The NOI application includes restoration of the 25-foot buffer zone by relocating the boulders and adding in plantings. Just like the RDA, the NOI application includes the construction of the church. The main area of parking is off property and there is written approval from the property owner. The gravel parking is for handicapped and emergency parking.
- D. Barnicle states that after the Positive Determination was issued, he and K. Kippenberger walked the site with D. Roberts and the Applicant. At the site walk, there was no sign of erosion and the stream was running clear water.
- D. Mitchell states that there have been flooding problems in the area. He questions the storm water management structures for the church building.

Applicants Comments-

- D. Roberts states that the swale near the church building will slow down the velocity of the water with 8-inch rock
- D. Roberts states that the swale was designed at 2% slope. The purpose of the grassed swale is to redirect the water from the pavement. It is an improvement, because now the water washes over the pavement and picks up oils and debris before going into the wetland. The swale will redirect the runoff directly into the wetland.

SCC Comments-

- D. Barnicle questions the grass swale and if it is necessary
- SCC members discuss the grassed swale and the existing grade verses the proposed grade. F. Damiano states it is a subtle change in grade
- D. Barnicle states that immediately off property there are huge water problems. He states that there cannot be an increase in water coming off the property.
- D. Mitchell questions why the leaching pit is on the side of the Building away from the wetlands, the “dry side” of the building.

Abutter Comments-

- M. Loin (from Bertin Engineering representing L. Moreno, an abutter) states that the project plan does not address the ground water in the area. The property is very spongy with high groundwater and the leaching pit will not act as designed with high ground water and will increase the flow coming off the property.
- L. Jalbert is concerned with M. Loin's comments and questions if he reviewed the drainage calculations—how can he make such a statement without reviewing the calculations?

FINAL Approved March 8, 2006

- E. Caldwell states that he is concerned with the extra water.
- G. Gowing concerned with possible widening of Eagle Avenue on his property and the increase of water. (D. Barnicle states that the road will not be filled in)

SCC Comments-

- D. Mitchell states that he has concerns with the drainage problems in the area and increasing the runoff.
- D. Barnicle suggests a 3rd party review, D. Mitchell agrees.
- F. Damiano motions to for a 3rd Party review of the drainage on the property and if the project will impact the runoff on and off property. D. Grehl seconds the motion.
- K. Kippenberger reads Section 3.9 of the local Sturbridge Wetland Regulations regarding 3rd Party Consultation.
- D. Barnicle states that requesting a 3rd party review is not an indication of mistrust to Jalbert Engineering's work, but that the SCC members are not experienced engineers and with such a tricky property, we need to be sure that the runoff will not increase.
- K. Kippenberger states that CME Engineering is the Town Engineer.
- D. Mitchell states that Jalbert Engineering should get the 3 consultant names to K. Kippenberger.
- All in favor of the motion for a 3rd Party review of the property drainage and proposed storm water management: 5/0.

Applicants Comments-

- D. Roberts states that he understands that the Commission does not want to proceed without being comfortable. He states that an existing drainage study off property is not in his purview. His design is not changing the stream channel that flooded in October.
- The Pastor from New Life Fellowship questions the need to involve a new Engineer.

Hearing is continued to February 16, 2006 at 7:20PM to vote on the 3rd Party Engineer. Jalbert Engineering to submit 3 names of Engineering Firms to the SCC Office prior to. Applicant agrees.

10:09 PM PUBLIC HEARING

ANRAD: DEP 300-690. 251 Arnold Road, Proposed Wetland Delineation Approval. Trifone Design Associates representing the property owner(s). S.Arcuri, M.Tropeano and P. Sodano.

D. Barnicle opens the public hearing, F. Trifone present from Trifone Design Associates, Inc. The public hearing was advertised correctly—K. Kippenberger received the green notification cards in the office prior to the meeting. (Newspaper ad faxed to the office on 2/14/06)

SCC Comments-

- K. Kippenberger summarizes the wetland delineation request: 54 acre parcel located on the town line. There is large wetland system with an associated perennial stream and steep slopes on property. Looks like there is a barn and house and existing gravel areas too. EcoTec, Inc. did the wetland delineation and their data was part of the ANRAD application.
- K. Kippenberger recommends that she review the wetland delineation with EcoTec, Inc.
- D. Barnicle agrees but is unsure about reviewing the wetland delineation during winter with no vegetation as the indicator.

Applicants Comments-

- F. Trifone states that the delineation review can go by soils

SCC Comments-

- D. Barnicle states that he prefers that vegetation be present for the review. He does not believe snow should be present for the review.
- K. Kippenberger suggests reviewing the wetland delineation and if there are questionable areas, she will revisit the site. K. Kippenberger states that she also believes a wetland delineation review should occur when there is no snow on the ground—especially such a large site and when the application is specifically to review and approve the delineation.
- D. Barnicle states that K. Kippenberger will coordinate site review with the Applicant and the hearing should be continued to allow for review of the wetlands.

Hearing continued to April 6, 2006 at 7:30 PM pending site visit. Applicant agrees.

10:17 PM PUBLIC HEARING

NOI CONTINUED: DEP 300-688. 33 & 35 Bennetts Road. Demolition and reconstruction of a single-family house. Jalbert Engineering, Inc. representing J. Dunn.

D. Barnicle re-opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering and J. Dunn present. K. Kippenberger states that members of the SCC visited the property on 1/21/06. SCC members had concerns regarding the high water mark shown on the plans for Leadmine Lake

Applicants Comments-

- L. Jalbert states that the Lake is very high right now. He also states that the outfall structure for the Lake is 2/3 blocked with a 55 gallon drum.

SCC Comments-

- E. Goodwin suggest removing the barrel that is blocking the outlet
- K. Kippenberger questions the substrate of the Lake and if there is a drop or a “bank” into the Lake from the retaining wall.
- K. Kippenberger reads 310 CMR 10.54(2) for the definition of bank.

Applicants Comments-

- L. Jalbert states there is a 6-8 inch slope between the beach area of retaining wall and Lake bottom. There is no vegetation.
- D. Roberts states that the area is in an extreme flood situation. Leadmine Pond is unique—there is no inlet or defined outlet

SCC Comments-

- D. Mitchell questions if there are any other issues besides the high water mark.
- E. Goodwin states that there is a large tree to be removed that he does not agree with.
- E. Goodwin states that for the past several years, the SCC has been reviewing retaining walls and man-made stone walls around the Lake to be the edge of water.
- K. Kippenberger questions the SCC members if the buffer zone was revised to be pulled off of the retaining wall, would it be okay to have the deck within 50-feet of the Lake if on sonotubes.
- E. Goodwin makes a motion to accept the plan with the buffer zone amendment. The retaining wall should be the limit of the resource. The house would be 53-feet from the retaining wall and

the deck would be 42-feet from the retaining wall and on sonotubes. But the large tree should remain.

- F. Damiano seconds the motion and agrees that the tree should not be removed.
- D. Barnicle states that there is a 50-foot no build and a 25-foot no touch buffer zones. If the deck is to be sonotubes, there needs to be a detail on the plan and the number of sonotubes must be shown.

Applicants Comments-

- D. Roberts states that the property owner would like to remove the large oak tree because it is messy, acorns and sticks.
- Dunn states the deck is in front of the house for retirement purposes.

SCC Comments-

- D. Grehl states that the lake needs a long term protection plan, suggesting specific plantings
- Other SCC members that some plantings near the Lake edge would compensate for having the deck within the 50-foot buffer zone. The oak tree should not be removed.
- K. Kippenberger summarizes the amended motion: Plans to be revised to include the amended buffer zone, sonotube location and detail, washed pea-stone under the deck for infiltration and plantings.
- D. Barnicle adds to the motion to keep the large oak tree and the leaning tree on the side of the house can be removed.
- All in favor of allowing the deck to be in the 50-foot buffer zone with plan revision: 4/0/1 (D. Mitchell abstained due to not attending the site walk).
- SCC members discuss receiving the revised plans before taking a formal vote on the project.

Hearing continued to February 16, 2006 at 7:25 PM pending revised plans. Applicant agrees.

10:46 PM - PUBLIC HEARING

RDA's: SCC 06-01 through SCC 06-5. Lots 2 through 6 at 12 Wallace Road. Proposed and Existing Single-Family houses. Jalbert Engineering, Inc. representing T.Reardon Builders, Inc.

D. Barnicle opens the public hearing, L. Jalbert and D. Roberts present from Jalbert Engineering. K. Kippenberger receives the proper notification requirements (green cards from abutter certified mail and the newspaper ad) prior to opening the public hearing.

SCC Comments-

- K. Kippenberger summarizes the project and states that this is an introduction hearing. A Site walk will be needed.
- K. Kippenberger goes over the overall plan with the SCC (6 lot ANR) 5 RDAs were filed as requested by the SCC and 3 of the RDAs are after the fact since houses already exist. The houses were built assuming out of the 200-foot buffer zone. 2 of the RDAs include proposed houses. There are 3 exiting houses. 5 RDA's in which 3 after the fact and 2 proposed. L. Jalbert has re-flagged and there is no difference.
- K. Kippenberger states for the record that the Applicant came into the office requesting a quick response for Lot 2. K. Kippenberger informed the Applicant that the Commission will have to review the property to determine if the wetlands are accurate, but will inform the Commission of his request.

- D. Barnicle states that a house is located in the 200-foot buffer zone and the SCC will be looking for mitigation.

Applicants Comments-

- L. Jalbert requests a continuance for a site walk

Hearing continued to March 2, 2006 at 8:45PM for Lots 1 through 6. Site walk needed.

10:55PM - OTHER BUSINESS –

Appointment: M. Loin for beavers on Wallace Road-Complaint at 58 Main Street.

- M. Loin present for discussion.
- K. Kippenberger states that M. Loin's report was emailed to the SCC for review. According to his report, the beaver request is a result from the October 2005 flooding. The Property owner at 58 Main Street was flooded out and hired Bertin Engineering to determine the problem. Bertin Engineering concluded that the nearby beaver dam off Wallace Road needs to be removed.
- M. Loin states that the elevation of the beaver dam is 94 feet, the water elevation is 94 feet and the property at 58 Main Street is 94 feet in elevation. The pipe by village photo is submerged and the culvert in the rear of the mall is 6-inches under water. Cloutier's property has the beaver dam which is approximately 6-8 feet wide. The owner is allowing trespassing on property to remove the dam and trap the beaver
- K. Kippenberger states that beaver dam removal is done through the Board of Health and the applicant must come before the SCC for flow device approval and emergency approval to work in the stream. M. Loin is going before the Board of Health on Monday 2/6/06.
- D. Barnicle has concern with the drainage area up slope from the problem
- D. Mitchell questions if the DPW has cleaned the culverts at Route 131. M. Loin states that it is Mass Highway's job because it is a state road.
- K. Kippenberger reads the Emergency Beaver Permit and explains that the property owner wrote a letter to the Senator who contacted the Division of Fisheries and Wildlife for the beaver problem.
- E. Goodwin states he wants to visit the site to confirm Bertin Engineering's findings.
- SCC members discuss visiting the property on Friday 2/3/06 and then K. Kippenberger to report to Bertin Engineering on Monday 2/6/06.
- F. Damiano makes a motion to allow the beaver removal pending the site walk. G. Grehl seconds the motion. All in favor: 5/0.
- D. Mitchell questions the height of the dam and the sediment release. M. Loin states that the dam will be broken down slowly.

Review of revised 78 Fairview Park Road information (DEP 300-482). Judson Builders

- E. Lloyd present for discussion.
- K. Kippenberger goes over the revised plans with the SCC members. Her only concern is the area of the flared end and rip rap.
- SCC members discuss options. K. Kippenberger should visit the site and suggest recommendations. At this point, Judson Building Company is responsible for satisfying SCC with regards to being in compliance with the permit. K. Kippenberger is to contact Judson Building Company with recommendations.

Review Project Revisions for 126 Clarke Road Cell Tower: DEP 300-416

- V. Drouin from Green Mountain Communications present for discussion.
- K. Kippenberger discusses the revisions submitted to the SCC: 1. Change in Scour pad size and removal of culvert near Clarke Road. 2. Slight revision in the overhead pole locations 3. Paving of the entrance roadway. 4. Additional plantings to compensate for the additional clearing on either sides of the roadway.
- SCC members discuss the changes and agree that they are fine. The Applicant shall consult with EcoTec to make plant recommendations.
- V. Drouin states that the only work done since the release of the Enforcement Order is installing the water bars and the additional hay bales. Ground is too unstable to move the excavator. Work will continue once the ground is frozen.

Rest of the Other Business Discussion was tabled and included:

1. Discussion of Certificate of Compliances for DEP 300-523, 9 Woodside Circle and 300-339 Holland Road: D. Mitchell would like K. Kippenberger to check the rear of 9 Woodside prior to issuing a Certificate. (For 300-339): SCC members agree that it should be submitted in writing that the UG storage tank was removed.
2. Administrative discussion of K. Kippenberger's salary and the Slope Bylaw. E. Goodwin states that the Slope Bylaw was approved through Town Vote in 1999/2000. K. Kippenberger to check Town Clerk records.
3. DEP 300-617: 98 Paradise Lane. K. Kippenberger to send formal Enforcement Order.
4. Complaint of Cloutier Farm: D. Barnicle concerned—site walk may be needed.
5. SCC Members discuss upcoming site walks.

Sign

Positive Determination: SCC 05-44 for 130 Lake Road