

**STURBRIDGE CONSERVATION COMMISSION (SCC)**

**Minutes for Thursday July 20, 2006**

**Open Meeting**

David Mitchell opens the meeting at 7:03 PM

Board Members Present: David Mitchell (DM), Chairman; Ed Goodwin (EG); Donna Grehl (DG); and Frank Damiano (FD) at 7:09PM

Kelly Kippenberger (KK), Conservation Agent

Danielle Garry for Minutes

**CPA and Zoning Study Committee Update**

EG states that the CPA recently had a meeting, historic surveys were among the topics of discussion.

DG states the Zoning Committee is looking at commercial building size. Recent discussions included the zoning at the Fiske Hill and Route 20 intersection. DG states that she would like to start talking about the need for a general bylaw for any earth removal and fillings of land—there is a bylaw for land removal, what about filling of land. (FD joins the meeting at 7:09PM)

**Minutes Approval**

DM and EG states that they have no comments on the minutes and EG makes a motion to accept the 3/16/06 as written, FD seconds the motion. All in favor: 3/1 (DG abstain—did not review the minutes).

**7:12 PM WALK-IN**

Discussion of 87 Shore Road Porch Addition.

- B. Girouard present for discussion
- KK states that the Applicant submitted a Letter Permit request for a 3 season porch to be built on an existing deck. The Building Inspector issued a building permit for the porch construction but failed to advise the Applicant that he needs SCC approval and a Zoning Determination (increase in the house envelope). The Building Inspector realized his mistake (did not think it was an issue since the porch is to be on an existing deck) and issued a Cease & Desist until the proper permits were obtained. KK states that she visited the property with the Building Inspector and has photographs to show the SCC. She adds that recently the Zoning Board did issue a Negative Determination for the porch (approval).
- KK states that she does not believe there are any issues as the roof of the porch will be tied into the gutters of the house. Additionally, there is second deck separating the location of the porch and the Lake (entire property is developed).
- DG questions how long has the deck been there and how far from lake and B.Girouard states his existing deck has been there for 18 years and is approximately 32 feet from the lake.
- DM questions where the run off from the house goes (gutters) and B.Girouard states there is a dry well that infiltrates into the ground. There has never been a problem. He states that he cleans the gutters 2 to 3 times a year.
- KK states that this property is adjacent to 85 Shore Road that had the shed, sunroom and deck built without Building, Zoning and SCC permits. The Zoning Board issued a Determination that the 3 structures at 85 Shore Road need to be removed and subsequently the SCC issued an Order

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of Conditions to remove the structures. EG states that the SCC should visit 87 Shore Road to be consistent.

- SCC members agree that they need to visit the site. DM states that a Letter Permit approval will most likely be issued, but that the members should visit the site to confirm. B. Girouard agrees and requests to be notified once a determination is made.

### **7:30 PM PUBLIC HEARING**

NOI CONTINUED from 5/4/06: DEP 300-684. Demolition and reconstruction of a house and installation of a septic system at 80 & 118 Leadmine Lane. Jalbert Engineering representing G. Pinto.

KK read a continuance request from Rema Ecological Services dated 7/19/06 to SCC Members. SCC Members agree to grant continuance.

*Hearing continued to September 7, 2006 at 7:40 PM*

### **7:31 PM Other Business (as time allows)**

- **Discussion of 78 Fairview Park Road: Request for partial Certificate of Compliance DEP 300-482.**

KK goes over with the Members the Request for a Partial Certificate of Compliance (restoration plantings to be monitored as approved) by Eco Tec, Inc. KK shows photographs from when she and DG visited the site on 7/19/06. DM states that the plantings look good, he is in favor of the Partial Certificate as long as the monitoring is done in compliance with what was approved. EG motions to issue the Partial Certificate, DG seconds the motion. All in favor: 4/0

- **Discussion of 53 Technology Park Road: Request for Certificate of Compliance DEP 300-631.**

KK shows the members the plans and states that an Order of Conditions was issued on 9/12/04 for a Commercial Building, Stormwater system and parking lot. KK states that her and DG visited the property on 7/19/06 and observed several violations to the Order. The outlet from the detention pond was a lot closer to the wetland and the clearing limits was changed too. The detention basin appeared to not be functioning properly, there was silty, standing water in the basin with no discharge. The outlet of the basin had evidence of scouring and sediment-stained rip rap.

DG states that the basin is a mess but the building appears to be in the right location. She mentions that there was a pile of debris that needed to be cleaned up too. DM states that the Applicant should do As Builts and come before the Commission with the changes and ideas on how to fix the problem. EG agrees and states that KK should write a letter requesting the information within the next two months. SCC members agree.

- **Discussion of Jaguar Event at Sturbridge Host Hotel 8/11/06 to 8/13/06**

EG states that every year we get the same letter. EG states that the SCC should issue a letter permit approval. All members agree.

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- **Discussion of Round Up Application to Route 20**

KK states that the request for Round Up to be applied to Route 20 sidewalks and medians is by the Town Administrator. She states that she has no issues with Round Up but has the following suggestions for Letter Permit approval Conditions: Round Up to be applied during dry weather, applied in dry weather, the SCC is to be notified before the first application, sprayed directly to weeds and should be done by a professional and the public to be notified (via internet or TV Channel). Members agree with the Conditions. EG makes a motion to approve of the Round Up Application with Conditions, DM seconds the motion. All in favor: 4/0

- **Discussion of 34 Cooper Road**

KK states that Clearview Landscaping submitted a letter request to construct a second driveway (50 ft by 14 ft driveway, 60 yards of fill and 20 yards of gravel) at 34 Cooper Road. The letter permit request stated that wetlands were in the area but unsure how close they were to the work. She informed the Applicant that a driveway permit must be obtained from DPW and a scenic road approval. She visited the property and it appears that the proposed driveway is within 25-feet of a wetland, and possibly within the Riverfront Area to the stream the floods Cooper Road. She sent correspondence to the Applicant that the wetlands should be delineated by a professional prior to determining the proper permit application. KK requests that the SCC Members visit the property to see where the driveway is going to be and to determine if a RDA or a NOI is necessary.

DM suggests that KK should send a follow up letter stating no further procedures until the SCC visits the site.

- **Discussion of 98 Paradise Lane Vegetation Plans DEP 300-617**

KK shows members the Planting Plan submitted by T. Haywood. She states that the Order of Conditions required the Applicant to come back at a later date with an ecological landscaping plan. EG feels the plan is lacking detail and DM agrees. KK to write letter stating that the erosion control needs to be added on the plan along with the number of plants, detail of the wall repair and an evaluation of the sand that was deposited in the step installation. (discussion continues as M. Deterando is present later in the evening—See 9:49 PM Discussion)

## **PUBLIC HEARING**

NOI CONTINUED: DEP 300-700 164 Lake Road, Single Family House improvements. Para Land Surveying and Engineering representing G. Galonek

### **DM opens the Public Hearing at 8:15 PM.**

**Present:** R. Para, Para Land Surveying  
G. Galonek

**Information Received:** Green cards & Newspaper Ad for Public Hearing advertisement

### **Discussion:**

- KK states that it is the first hearing on the project and she and DG attended a site walk on 6/21/06 with R.Para. The project includes a single family house addition and driveway improvements. All house work is located road side of the existing house, not lake side. KK states that the

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retaining wall work needs to be clarified. As a result from the site walk, revised plans were submitted showing a dry well for run off and the identification of trees to be removed.

- KK goes over the plans and photographs with the Members. She states the applicants are proposing a garage, paved apron, make the retaining wall more stable, concrete patio to add to the wood decking.
- DM questions the reason for the paved apron and R.Para states it will be a 10 foot apron need to reshape the driveway, provide stability and the right angle to drive a car into the garage.
- R. Para states that the owner would like to keep as many trees as possible but he does not think the trees can stay with the amount of earth work, the roots will be damaged and eventually the trees will fall. DM states that the trees should be marked off for a site walk.
- DM questions if there will be curbing for runoff and R.Para states they are proposing either crushed stone or pervious pavers.
- DM states for the work on the stone wall on the lake side, more erosion controls are needed
- EG questions if there will be any cut and fill for the wall work and R.Para states no elevation work but the wall will be backfilled.
- DM questions if a versalok wall is necessary.
- KK questions if vegetation will need to be removed from the slope. The property does have tiers down to the Lake. The retaining wall in question for repair does hold a lot of earth back. FD states that the wall is 30-feet fro the Lake.
- G.Galonek states that he cannot spend another winter without a garage. If the wall work is going to hold up the garage, he will do the wall repair at another time.
- EG states that the Commission needs to do a site walk. G. Galonek states that he needs to start the work soon. He requests an early continuance.

*Hearing continued to August 3, 2006 at 10PM pending site visit. Applicant agrees.*

### **PUBLIC HEARING**

NOI : DEP 300-707. 56 & 58 South Shore Drive, proposed house reconstruction. Minutemen Engineering representing Property Owner/Applicant, A.Godin

**DM opens the Public Hearing at 8:40PM. DG recuses herself from the meeting, direct abutter.**

**Present:** B. Waz, Minutemen Engineering  
A. Godin

**Information Received:** Green cards & Newspaper Ad for Public Hearing advertisement

### **Discussion:**

- KK states that it is the first hearing on the project and she attended a site walk on 7/10/06 with Minutemen Engineering, minor revisions to the plan were requested. She states the project includes demolition of an existing house and deck and construction of a new single family house & deck. The property is within Natural Heritage mapped area with South Pond and a clearance letter was received dated 6/16/06. The plans show the house just outside of the 50-foot buffer zone but she requested the buffer zones to be revised.
- KK goes over the plans with the Members and points out that the house is in the middle of the property (went through Zoning) and a new deck is proposed. There is a steep slope tiered to the pond and 2 trees are being saved and the existing garage will stay. There is a new well and existing septic system on property. The Applicant is proposed to remove a dead tree located on

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the steep slope and it is shown on the plan. KK shows the members photographs from the site visit and states that the water does come up to the last retaining wall and there is a beach. She believes the retaining wall is the high water mark and requested that the buffer zones be pulled from the retaining wall. She states that she is okay with the work as long as the erosion controls are maintained.

- SCC Members discuss the buffer zones and if work is proposed within the 50-foot buffer.
- DM states that they need to know the edge of the resource and it to be clearly marked. He agrees that the Buffer zones on the plan need to be revised.
- EG questions if a walk out cellar is proposed and B.Waz states yes.
- DM states he would like to see the amount of earth work and the amount of fill needed.
- EG states that it appears that more work will be in the 50-foot buffer zone. FD states that the Commission needs to do a site walk.
- B. Waz states that the property will be improved. An infiltration pit was added for roof run off and the stormwater of the site will improve. The house was pulled off the property boundary, which is an improvement for the neighbors. The Applicant attended zoning meetings for the house location.
- B. Waz states that the deck will be on sonatubes and the retaining wall will be replaced by hand.
- KK states at the site walk she noticed an inlet basin across the private road and she believes it may outlet to the lake. She is not sure where the pipe goes, but the contractor needs to be aware of it.
- Members agree that a site walk is necessary
- A. Godin requests an early continuance and DM states that September 7<sup>th</sup> is the earliest that the Commission can do—cannot start a hearing after 9:30 / 10 PM. B. Waz stated that the Applicant has already waited a while to be heard on July 20<sup>th</sup>. DM states that the Board is doing the best they can do for a volunteer Board, always very busy in the summer.

*Hearing continued to September 7, 2006 at 8:25PM pending site visit. Applicant agrees.*

### **PUBLIC HEARING**

NOI: DEP 300-706. 128 Podunk Road (formerly 112 Podunk Road Lot 1). Proposed single family house by Holden Sanitation.

### **DM opens the Public Hearing at 9:05PM**

**Present:** J. Morin, Holden Sanitation

**Information Received:** Green cards & Newspaper Ad for Public Hearing advertisement

### **Discussion:**

- KK states that this is the first hearing on the project. She attended a site walk on 7/18/06, erosion controls present at time of walk and minor clearing/earth work was done. Project includes construction of a single family house. The property is within Natural Heritage mapped area and a clearance letter was received dated 7/7/06. SCC issued an Order of Conditions on the next lot in February of 2006. There is no work in the 50 foot buffer zone and there is a natural berm between the wetland and the work. She anticipates no issues, but wants to make the applicant aware of the scenic road requirements.
- KK shows members the plans and photographs from her site visit. She states that one wetland flag is not on the plan, the house is located out of the 100 foot buffer zone (well and tree clearing within the 100-foot buffer).

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- J. Morin states that no trees or wall will be removed on the scenic road
- EG questions why the erosion controls are already installed. J.Morin states in preparation for Conservation process. EG states that the Commission approves where the erosion controls need to go, should wait for approval. He states that he needs to see the site.
- DM requests that the plans need to indicate the clearing limits, add that it is a scenic road and locate the missing wetland flag as indicated by the Agent.
- SCC members agree that a site visit is needed.

*Hearing continued to September 7, 2006 at 8:35PM pending site visit. Applicant agrees.*

### **PUBLIC HEARING**

AMENDMENT continued from 5/18/06. DEP:300-615. 14 Mashapaug Road, Single Family House. Green Hill Engineering, Inc. representing James Dunn

#### **DM opens the Public Hearing at 9:17PM**

**Present:** M. Farrell, Green Hill Engineering  
W. and J. Dunn

#### **Discussion:**

- KK states that at the last hearing on 5/18/06 the SCC requested that the perimeter drains are shown on the plans. She states that the request to amend the Order of Conditions includes correcting the driveway location, the house locations, etc. The driveway was built off property and the Commission is not happy about the erosion problems that exist.
- M.Farrell shows photographs of the where the perimeter drain will outlet. They are proposing flat stone to dissipate the runoff from the roof with the gutters.
- M. Farrell reviews with the Commission the proposed changes to the driveway. DG states there is a lot of erosion in the area of the driveway and that it needs to be fixed.
- M. Farrell shows the members of the erosion situation near the house. DM states that a retaining wall should be built.
- M.Farrell suggests rip rap and filter fabric along the side to help with erosion. FD states that a retaining wall should be built. The house was built a lot closer to the wetlands that what was originally approved—not good.
- Members discuss the erosion issues. DM believes that what is proposed is an improvement but the Commission must see details on the retaining wall near the house.
- DG makes a motion to issue the amendment when revised plans are submitted showing the retaining wall details, EG seconds the motion. All in favor 4/0

*Hearing closed. Amendment to the Order of Conditions will be issued once revised plans are submitted to the office. Applicant agrees.*

### **PUBLIC HEARING**

NOI CONTINUED from 5/18/06: DEP 300-698 driveway crossing at 118 Clarke Road (related to single family house DEP 300-626). Jalbert Engineering, Inc. representing Quality Contracting and Building LTD

**PROJECT WITHDRAWN WITHOUT PREJUDICE**

**Present at 9:29PM:** L. Jalbert, Jalbert Engineering, Inc.  
E. Neal, Attorney

**Discussion:**

- KK states she received letter on 7/10/06 from Jalbert Engineering on behalf of the applicant that they would like to withdraw the NOI without prejudice. Subsequently, she posted that the project was to be withdrawn out of courtesy for the abutters. Today she received from Jalbert Engineering requesting to withdraw the withdrawal and change the applicant to the Howertons—the property owners.
- DM questions if there is any reason why the commission should not consider a new NOI to be filed.
- E. Neal states that technically speaking, the SCC must vote on accepting the withdrawal request
- KK states the vote would be to close the hearing and acknowledge the withdrawal of the NOI (not issue an Order of Conditions).
- EG states that his concern is the clarity of the process and he is sorry that additional costs are involved but he would like to close and require a new NOI
- KK states that the abutters could be to re-notified and the continued hearing could be re-notified in the paper. It must be clear that the project was not discussed tonight, just the withdrawal procedures.
- DM would urge the board to consider the protocol to avoid this same issue.
- FD questions what is the difference that the Applicant changes. KK states that the NOI Forms would have to be revised to have the new Applicant information, and that the DEP has to be copied on everything—including the abutter information.
- FD states that he would like to see signed documents from both parties (previous Applicant and new Applicant) acknowledging and accepting the change in Applicants. L. Jalbert states that is fine.
- FD makes a motion to allow the NOI hearing to continue, under the Condition that the abutters are re-notified, new ad in the paper, revised NOI to be submitted to the Commission and copied to DEP, EG seconds the motion. All in favor: 4/0
- FD makes a motion to Amend the original motion to include the Applicant transfer letters, DG seconds. All in favor 4/0.
- KK states that she would like to review the abutter notification that is to go out and that it must clearly state what has transpired from the last hearing—no new project information was discussed. L. Jalbert agrees.

*Hearing continued to September 7, 2006 at 8:45PM pending revised submittal. Applicant representative agrees*

**PUBLIC HEARING**

**NOI CONTINUED from 5/18/06: DEP 300-695. 11 Library Lane, Septic System repair/replacement. Jalbert Engineering, Inc. representing F.Lyford and the property owner's (POLK)**

DM opens the Public Hearing at 9:48PM

KK reads continuance request from Jalbert Engineering dated 7/18/06.  
Members vote to accept the request for continuance

*Hearing continued to September 28, 2006 at 7:30PM*

**9:49PM Other Business Continued from earlier (as time allows)**

- **98 Paradise Lane**

M. Detarando present for discussion. KK states that the Commission previously discussed the planting plan—did not realize he would be present.

DM states that there are many concerns about the planting plan as submitted: there is no scale, the location of the lake is unclear, the plant species do not make sense and the number of plants is inadequate. DM questions the additional soil amendments and detail of the wall repair. He refers to the planting plan as lacking so much information that it is like a “cartoon”

M. Detarando states they would be using blueberry sod for soil amendments, commission members agree that they have never heard of blueberry sod.

KK states there is no detail of wall repair and M. Detarando states the retaining wall is along the lake and shows members where on the plans. The area behind the wall is collapsing.

KK requests to revised the planting plan to add more details and that the evaluation of the sand deposit was never done. SCC Members go through what needs to be added to the plan: Scale and location of the Lake, a Tie-In to the design plan, define soil amendments, plant species and number, add erosion control, planting schedule, wall details, indicate amount of fill to be brought in, indicate what type of machinery to be used etc. SCC members state that the revisions should be submitted for the 9/7/06 Hearing. M. Detarando agrees

- **Allen Homestead Development / Tall Pines for Noel Homes, Inc.**

E. Mainini present for discussion. She states that there are three topics for discussion: Lot 30, 38 Tannery Road, DEP 300-560: Revised Plans, Lot 31, 34 Tannery Road, DEP 300-550: Revised Plans and Request for Extension of Order and The Allen Homestead Development, DEP 300-419: Request for Extension of Order

**1) Discussion of Lot 30, 38 Tannery Road, DEP 300-560: Revised Plans**

KK states during a site walk she noticed that the house location was slightly different than what was originally approved. KK shows members the plans that were originally approved and states that the Order of Conditions is valid until April 2007.

E. Mainini reviews the revised plans with the SCC. The plans show an As Built of the house only, not the retaining wall or final grades. The perimeter drain location is proposed to change from the original filing too, shown on the new plans. She states that the wall is in the same location and the limit of work is not changing.



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DM states that the changes appear to be very minor. EG Motions to accept the revised plans and that a formal Amendment is not necessary—the work is minor. FD seconds the motion, All in favor: 4/0

2) Discussion of Lot 31, 34 Tannery Road, DEP 300-550: Revised Plans and Request for Extension of Order

E. Mainini states that the revisions on this lot are a lot different than the original approval. DG questions how come the project has changed so much. E. Mainini states that the grading on Lot 40 has caused the grading and elevations on these two lots to change and the house location to be altered.

KK states revised plans have been submitted, on the lot there is no house yet but it is clear of vegetation. Revised plans have been submitted showing the house to be relocated from the north side of the property to the south side. The house is larger and very close to the detention basin.

E. Mainini shows the members the revised plans and the grading and driveway changes. DM states that it appears that the versalock wall is to be extended from the original approval. E. Mainini states it will be extended and it is proposed to go across the entire back of the lot.

EG states that the changes are significant. The location of the house is completely different, the grading is very different and the retaining wall is extending. DG agrees, it is a completely different project. E. Mainini states that the erosion controls are not changing. DG states it does not matter, the hydrology of the site is totally different. DG Motions that a formal Amendment the Order is to be requested in accordance with the DEP Policy, EG seconds the motion. All in favor 4/0.

3) Discussion of The Allen Homestead Development, DEP 300-419: Request for Extension of Order

E. Mainini states that there are some property access issues and the grading work at the detention basins still need to be complete.

EG Motions to issue 6 month extension, FD seconds the motion. All in favor 4/0

**Meeting Adjourned 10:45PM**