

**STURBRIDGE CONSERVATION COMMISSION (SCC)**

**Minutes for Thursday September 7, 2006**

**Open Meeting**

Dave Barnicle opens the meeting at 7:05 PM

Board Members Present: Dave Barnicle, Chairman (DB), Dave Mitchell (DM), Ed Goodwin (EG); Donna Grehl (DG), and Frank Damiano (FD) (FD arrived at 7:16 PM)  
Kelly Kippenberger (KK), Conservation Agent

**Minutes Approval**

DM makes a motion to accept the 8/3/06 Minutes as written and reviewed. DG seconds the motion, all in favor: 4/0.

**7:07 PM Walk-In Discussion of Heins Farm Trail**

- T.Chamberland (Tree Warden and representative for ACOE) is present for discussion. He states that over the past few years, the ACOE has worked with the Regional Trail Committee for the Grand Trunk Trail—the Sturbridge Trail Committee has dissolved over the past two years. He is in front of the SCC tonight to make a proposal for National Public Lands Day on 9/30/06. Through the ACOE sponsorship they have found volunteers to clear the trails on Heins property—Northern Tree Service for Public Lands Day.
- T. Chamberland states that there is a perched wetland on the property that goes through an existing trail. T. Chamberland states that Northern Tree Service has also offered to bring in timbers to create a bridge for the trail system. T. Chamberland discusses other aspects of the Heins property—Heins still mowing fields, ATV trespasses.
- KK states that the Town acquired the property through Town Meeting vote and there is a Conservation Restriction on the property. KK states that she believes the property is in the care, control of the SCC
- SCC members discuss that volunteer work for maintenance of the trails is a good thing
- DB questions how the trails will be maintained, will the cleared trees be dropped and hauled off property and T.Chamberland states that the debris will be placed to the side of the trails. DM questions the width of the trails and T.Chamberland states 8 to 10 feet wide.
- FD enters the discussion at 7:16PM, members continue to discuss the trail maintenance.
- DB states that the commission needs to focus on the wetland and wildlife issues. The SCC members discuss concerns for the maintenance of the trails—trails not to be mowed, selected clearing of any hanging limbs on the trails, no adverse impact to the vegetation and surrounding area.
- T. Chamberland states that the goal of Public Lands Day at the Heins Farm is to remove debris that is overhanging the trail (safety hazard) and to remove any dead trees in jeopardy of falling on the trails.
- DB states that he is okay with the trail maintenance but not with the bridge installation.

FINAL approved 9/28/06

- EG states that he cannot allow the expansion of trails and the creating of new trails.
- T. Chamberland states that it will be Phil from Northern Tree Service and one other person. They will trim the trees and not be taking down live trees. The National Public Land Day is 9/30/06 from 9:00AM to 12:00 Noon. He plans on having a training day prior to 9/30/06 and he can notify the SCC of the training day.
- DB motions to allow maintenance of trails on 9/30/06 as discussed but to not allow the bridge work. EG seconds the motion, all in favor 5/0. DB states that KK will write a approval letter with Conditions.

### **7:25 PM Walk-In Discussion of Hemlock Tree Injections**

- L. Eliason of The Trail Association off Big Alum is present for discussion.
- KK states that L. Eliason sent an email to the SCC on 8/22/06 requesting the procedure for allowing a dying Hemlock Tree to undergo a Systemic Injection as recommended by an arborist.
- DM states that T.Chamberland (Tree Warden) is present and requests if he has any information on Systemic Injection.
- T. Chamberland states that the procedure is very effective, it provides several years of protection but is not an immediate fix. They will drill at the root flair of the tree making a very small hole.
- L.Eliason states that the arborist recommended the trunk injection because the chemical stays in the tree.
- DB questions if the treatment is organism specific (*Woolly Adelgid*) and L.Eliason states yes. She also states that the arborist stated that the tree is worth saving.
- KK reminds the Commission Members of the pesticide and herbicide clause in the bylaw, DB says that this is a special case because the injection is tree and organism specific.
- L.Eliason states that only one tree needs the injection and that it is location about 3 to 4 feet away from the water.
- DB Motions to allow the injection by Letter Permit approval because it is tree and organism specific. He requests that KK is notified when the injection is going to take place. DM seconds the motion. All in favor: 5/0.

### **PUBLIC HEARING**

RDA for SCC 06-26: 96 New Boston Road, proposed porch on existing single-family house. Green Hill Engineering representing LaVergne

DB opens the public hearing at 7:34 PM.

Present: M. Farrell, Green Hill Engineering

New Information Submitted: Green Cards and Newspaper Ad for Public Hearing

Discussion:

- KK states that the applicant is seeking a negative Determination for a screen porch to be constructed off an existing house. She visited the site on 8/1/06 (shows SCC member photographs) and noted that the porch is to be within 100 feet of a wetland. The wetland area is across from 99 New Boston Road and is connected with the Preserve property. The property is located within Estimated Rare Habitat and Natural

FINAL approved 9/28/06

Heritage concluded that the project will not have an adverse impact (see letter in file). KK states that she has no problems with the proposed work but does want to point out that a shed and debris is within the 25-foot no touch buffer zone.

- DM states that the shed and debris has been there for years.
- DB states that he has no issues with the work if KK is set.
- KK states that the plans call for silt fence but believes that hay bales would be fine. DM requests that the hay bales enclose the work.
- EG Motions to issue a Negative Determination with the condition that hay bales shall contain the work area. DG seconds the motion, All in favor 5/0.

*Hearing closed and Negative Determination to be issued. Applicant representative agrees.*

### **PUBLIC HEARING**

NOI CONTINUED from 7/20/06: 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

DB opens the public hearing at 7:40 PM.

Present: L. Jalbert, Jalbert Engineering  
G.Logan, Rema Ecological Services  
S.Gadwa, Rema Ecological Services

New Information Submitted: Environmental Report (dated 9/1/06) prepared by Rema Ecological Services submitted 9/7/06

Discussion:

- KK states that the hearing has been continued (per Applicant's request) since March 2006. Project includes demolition and reconstruction of a camp within the 50-ft buffer zone to Leadmine Lake and perennial stream and the installation of the sewer main within the riverfront area and bordering vegetated wetland. SCC members have visited the site on several occasions, KK wrote a review memo dated 3/8/06 listing several concerns. Since that time the Applicant has contracted Rema Ecological Services LLC to review the project. A 22 page Environmental review report (dated 9/1/06) was submitted via email to the office on 9/7/06. She has conducted initial review, but did not have time for a thorough review. She recommends that the Commission receives a quick project review from the Applicant and a presentation of the Environmental Report dated 9/1/06.
- DB states that the Commission needs information to be submitted at least 3 days prior to the meeting. The hearing will have to be continued so that the report can be reviewed.
- G.Logan states that he is a Professional Wetland Scientist and conducted site visits to evaluate the habitat of the wetland area where the septic line is proposed. Aside from the project, he states that the USGS map indicates that the stream is perennial, however he witnessed it dry in the summer and there is strong evidence that it is intermittent—no macro invertebrates found in the stream. He included photographs in the report showing a dry stream, but he did not document the dry stream for four consecutive days—as the Regulations state.
- S.Gadwa hands out a report to each SCC Member and gives a quick overview of the report—there is a section regarding the house construction, and a section of the septic

system work. The report includes the results of their field data in the form of tables—trees were inventoried and mapped, took field notes of habitat features etc.

- DM suggests reviewing the tables in the report and has questions regarding Table B-4, Alternatives.
- S.Gadwa agrees to review the Table data and relates the information according to the intermittent stream. FD states that the stream is perennial until the SCC receives proper documentation and votes to re-classify the stream to be intermittent.
- S.Gadwa explains each Table B 1 through B4. Each Table includes the 200-foot linear area of the septic line. DM states that it would be helpful to have a North Arrow on the Tables. S. Gadwa shows the SCC Members the tree inventory lists and explains the habitat key
- S. Gadwa states that Table B4 shows alternative routes for the septic line and compares the trees and the habitat values. As a result of the data, she recommends Alternative 1.
- KK states that if the commission entertains an alternative location then it will need to be incorporated onto the plan.
- DM suggests going over the soil profile and S.Gadwa discusses Table B-3. She states that a Soil Auger was used to see the profiles. DM questions when the data was collected. S. Gadwa states they were in the field for about two days around 8/14/06.
- DB questions what the depth of the sewer pipe will be and L.Jalbert states that the pipe needs to be 20 inches below surface—but does not have to be below frost. FD questions why not bury pipe at surface.
- SCC Members discuss the construction of the sewer pipe and the temporary disturbance.
- FD states no matter what you do, big trees will be lost and the area will change. S.Gadwa states that losing of trees may be a benefit to the area and will allow new habitat.
- There is a brief discussion of pre and post construction between the members and applicant representatives.
- KK states that Rema Ecological Service has shown alternative pipe locations and questions L.Jalbert how they determined where the pipe is to be located—any specific Engineering reasons why it is located when they show it on the plan? L. Jalbert states that there is no reason, the sewer line is shown to be from point A to B. Shifting of the pipe location East to West will not matter. L. Jalbert states that there are topological constraints on the property.
- KK questions what is the definition of a tree in the report. S. Gadwa states trees over 5-in DBH.
- KK questions if the property can have a tight tank and L.Jalbert states if the house is seasonal they could put in a tight tank, according to the new Title V Regulations. The property owner purchased the adjacent parcel specifically for a septic system. The only place for a septic system is where it is shown.
- EG questions if they need to do any blasting and L.Jalbert states most likely not. Discussion of sewer pipe installation (sand then Styrofoam). Discussion of collateral damage and root damage.
- DB states that the hearing must be continued to review the report. Other members agree, DM states that he needs time to review the report and tables, initially it looks like a good report.
- KK states that the Engineering needs to match the Environmental Report.

*Hearing Continued to October 19, 2006 at 7:30 PM. Applicant representatives agree.*

**PUBLIC HEARING**

NOI CONTINUED from 7/20/06: DEP 300-707. 56 & 58 South Shore Drive, proposed house re-construction. Minutemen Engineering representing Property Owner/Applicant, A. Godin

DB opens the pubic hearing at 8:33 PM. DG recuses herself (direct abutter)

Present: B.Waz, Minuteman Engineering  
A.Godin

Discussion:

- KK states that SCC members visited the property on 8/19/06 with the Applicant's representative. SCC members discussed possible concerns with house location, tree removal and timber retaining wall. Her concerns are that the members previously requested for the plans to be revised to show the buffer zones set off of retaining wall/high water mark. KK suggests that the Commission could condition the project to include remediation for the drainage pipe on property (if found during construction). Additionally, she previously requested natural plantings in area of old house.
- B. Waz submits a revised plan (plan stamped 9/5/06). He states that he plan has revised buffer zones and includes the cut and fill estimates. DB states that he likes to see plans submitted at least 3 days before the hearing so it can be reviewed.
- A.Godin states that the house location cannot be changed, it was already changed through the Zoning process.
- B.Waz states that if they move the house back, the septic will have to be moved. The Zoning Board was adamant about not changing the house location. DM states that the SCC is looking at different criteria than the Zoning Board.
- EG questions what permit was obtained from Zoning, a variance? B.Waz states that it is a non-conforming lot and the variance is needed for the side set backs. A variance was not obtained, therefore they had to change the size of the house from what was originally proposed to Zoning.
- KK questions that the house size as shown on the Conservation plan is smaller than what was originally proposed. A. Godin answers yes, the house is customized.
- DM questions the size difference of the existing house and the proposed house and A.Godin states that the dimensions of the 2<sup>nd</sup> floor are larger.
- DM requests additional detail on the timber retaining wall replacement, plan only indicates it will on be replaced by hand, how many and how. B. Waz states that the timbers are 6x6.
- D. Grehl (abutter) questions the drainage of the property, more specifically the drainage of the driveway and the outlet pipe on property. She states the drainage inlet cannot be eliminated, other properties would flood.
- KK clarifies that a catch basin is located across the road from the property (private road) and that it is thought that the pipe runs under A. Godin's property and outlets into the Lake. B. Waz states that an outlet is shown in the photos and it looks like it runs on the side of the property. KK suggests adding a Condition that if the pipe is encountered during construction then work must stop and the pipe must be fixed (if any damage occurs). FD states that he rather resolve the drainage issues now. If the pipe drains into the Lake, then the Commission can not risk any damage.

FINAL approved 9/28/06

- DM stresses his concern that there is no mitigation proposed for the work in the 50 foot buffer zone. There is no balance, a larger house and larger deck is proposed.
- DB states there was no chance to review the plans with the buffer zone adjustments.
- FD questions if the house can be pushed back and minimize the work in the 50-foot buffer zone and A.Godin states the house location can not change.
- A.Godin states that he objects to a hearing continuance.
- KK questions the applicant if he will be willing to supply the Commission a revised plan showing natural plantings for mitigation. A.Godin replies no.
- DM Motions to approve of the plans as presented with no mitigation, FD seconds the motion. All in favor: 0 All opposed: 3 and 1 abstains (EG)
- Discussion: DM states that he has concerns with the potential impacts of the project, tree clearing and new construction within the 50-foot buffer zone. DB states that reconstruction in the same footprint is grandfathered from the 50-foot buffer zone.
- A.Godin questions when the minutes will be ready. KK states that a draft will be ready in 1 to 2 weeks. The minutes are not finalized until approved by a vote from the Commission—then approved minutes are posted on line.

*Hearing closed. Denial Order of Conditions to be issued.*

### **PUBLIC HEARING**

NOI CONTINUED from 7/20/06: DEP 300-706. 128 Podunk Road (formerly 112 Podunk Road Lot 1), proposed Single-Family House by Holden Sanitation

DB opens the Public Hearing at 8:58 PM

Present: J. Morin, Holden Sanitation

Discussion:

- KK states that the SCC members visited the property on 8/19/06 and that the members have no major concerns except that the silt fence needs to be toed into the ground (erosion controls already installed on site). KK states that there was previous disturbance on property.
- J.Morin states that the abutting construction project put a dumpster on the property to store debris. He had it removed.
- DB Motions to approve the project with the condition that silt fence needs to be toed into the ground, FD seconds. All in favor: 4 Abstained: 1 (DG not present for discussion and vote)

*Hearing Closed and approval Order of Conditions to be issued.*

### **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 Howerton (formerly Quality Contracting & Building LTD)

DB opens the public hearing at 9:05 PM

Present: L.Jalbert, Jalbert Engineering

E. Neal, Attorney

C. Rzy, Abutter

New Information Submitted: Green Cards and Newspaper Ad for Public Hearing

Discussion:

- KK states that hearing was re-advertised to abutters and newspaper since it was previously posted as withdrawn. The applicant changed from Quality Building LLC to the property owners, Howerton. A letter received 9/7/06 from Neal Law Office with Howerton signatures of acceptance of NOI responsibility (requested by Commission). The project includes widening of an existing driveway—190 square feet of wetland alteration and 380 square feet of replication. The house and septic construction is approved under Order of Conditions DEP File No. 300-626.
- L.Jalbert shows the members the revised plans for the VersaLok retaining wall and replication (revised plans were previously submitted).
- EG states that the driveway was built in 1997 and it is not a common driveway. The driveway was to be constructed on the property line, each property was to have it's own separate driveway. DB questions if the driveway is to have a berm in the middle.
- KK states that the NOI for the work never received a Certificate of Compliance.
- C.Rizy states he asked for a Certificate of Compliance through email and Nancy Ryder (former Agent) approved the wetland replication.
- KK states for clarification that she believes from looking through the file from 1997 that the Conservation Commission issued an Enforcement Order because the replication area was not built. C. Rizy hired WET to install the replication area, reports are in the file. The Commission then released the Enforcement Order when the replication area was established. A formal Certificate was never issued. SCC members agree.
- DB states that he recalls being satisfied with the replication area once it was constructed. The Commission should have an As Built. KK states that she believes the plan filed with the current NOI is an As Built for the driveway.
- C. Rizy states that the driveway is currently gravel and DB states that he does not like a berm down the middle of the driveway.
- EG states that the SCC needs to make the decision if they will allow a second crossing of the wetland.
- DM states that he does not think it is a second crossing.
- FD requests to confirm that the width of the driveway is fine, but it was put in the wrong place. L. Jalbert confirms.
- KK states that she believes it is additional wetland alteration at an established crossing. DB agrees that it is not a second crossing. KK states that an alternative to the additional wetland alteration is an easement or a property line adjustment. It is a shame to alter more wetland due to a construction mistake, the driveway is already installed and functioning.
- E. Neal reads off emails dated 7/21/05, 8/12/05 (Rizy request the Howertons to purchase sliver of driveway for \$30,000—unreasonable offer). E. Neal submits a Memorandum of Law packet to all members.
- DB states no time to review information at the hearing. He requests to make a note that the materials are being submitted at 9:30 PM the night of the hearing.
- FD states that this is a contentious situation, his personal opinion is that it needs to be resolved between the land owners and no need for the road to be moved and fill more wetlands.
- FD Motions to deny the plan as presented, no second.
- C. Rizy states there is a large tree to be removed in the area of the wetland to be filled that is not shown on the plan.

FINAL approved 9/28/06

- EG questions what is the value of the wetland replication if the easement is valued at \$30,000. L. Jalbert states that the replication area would cost about 4 to 5 thousand.
- FD states no need for additional wetland alteration
- DG states that when the members visited the property (5/20/06), the replication area was in a bad place, too high of ground and it would not succeed. She requests that the replication area be moved. SCC Members discuss the location of the replication area. KK states that the Commission could require that a wetland specialist to design the replication area.
- EG states that he has a number of concerns. The Commission already granted a wetland crossing in the area and there was a construction error. There is a \$25,000 difference between filling more wetland or not. The Commission must consider reasonable use of the property.
- KK states that the Applicant must exhaust all alternatives to alternating more wetlands. She questions if the Commission has credible evidence for the alternatives. FD states that he would like to see notarized documents that no other feasible alternatives exist on the existing driveway.
- EG makes a Motion to reject the plan as submitted because of the following reasons: 1) Already given a wetland crossing in that area. And 2) Not all alternatives have been exhausted. FD seconds the motions. Discussion on the motion: DM does not believe it is a second crossing and that it is an adjustment to the original crossing, KK agrees and states that the wetland alteration is little. DG does not think the replication area is not in a good place to succeed. FD states this is a petty argument between property owners and the wetlands should not be altered as a result. All in favor to reject the plan as submitted as stated by EG for reasons: 3 Opposed: 2 (DM, DB)

*Hearing closed, Denial Order to be issued.*

### **PUBLIC HEARING**

NOI for 300-716: 286 Big Alum Pond Road, proposed house demolition and construction of a new house. Bertin Engineering Associates, Inc. representing J. Casaubon

DB opens the public hearing at 9:45 PM

Present: Heather Blakeley, Bertin Engineering

New Information Submitted: Green Cards and Newspaper for Public Hearing

Discussion:

- KK states this is the first hearing on the project and the project includes the demolition of an existing house and the construction of a new house within the 100-foot buffer zone to Big Alum. Her concerns are: New house with a larger footprint on a steep slope. She questions on how the resource area was determined, location of Big Alum Road, locus of the property on the FIRM map is unclear and she states that she would like to visit the site.
- H.Blankley shows the commission the photographs of the lot and states the lot is just before the end of the road. There is lawn and woods in the area of the new house, there is an existing catch basin and multiple trees need to be removed. The project includes relocating the house out of the 50-ft buffer zone
- DB states that it needs a site visit and he wants to see the corners of the house to be marked.
- DM questions if a new garage is proposed, H.Blankley states no garage.
- DM states that they are increasing the footprint of the house with no mitigation.
- H.Blankley states that they are proposing to correct an erosion problem on property for mitigation.



FINAL approved 9/28/06

- DM suggests natural plantings for mitigation and an improvement to the property—especially in the area of the existing house to be removed.
- SCC members discuss the driveway and the erosion problem. KK states that the detail for the erosion area is unclear—need more accurate details.
- DB states that the members need a site walk with the house to be staked and he has concern with the construction phasing.

*Hearing continued to October 5, 2006 pending site walk. Applicant representative agrees.*

### **PUBLIC HEARING**

NOI for 300-714: 120 Lane 10, proposed house demolition and construction of a new house.  
Green Hill Engineering, Inc, representing Vizards

DB opens the public hearing at 10:00 PM

Present: M. Farrell, Green Hill Engineering  
D. Vizard

New Information Submitted: Green Cards and Newspaper

Discussion:

- KK states this is the first hearing on the project. The SCC issued an Order of Conditions for a septic system repair within the past 8 months (DEP 300-674) and members of the Commission have visited the property. Natural Heritage has indicated that no adverse impacts to the estimated habitat are anticipated (8/17/06 Letter). Project includes the demolition of existing house and reconstruction of a new house. Her concerns are: An increase in the footprint within the 50 foot buffer zone, roof runoff, tree removal on the steep slope. KK requests that the plans are revised to accurately show what is proposed vs. existing.
- DB states that he has a concern with the proposed footprint. He questions other SCC members if the porch is to be considered footprint of the house.
- D.Vizard states he will be using a “hip roof” for runoff and M. Farrell states that the existing porch has a roof.
- FD states that his main concern is the change of use for the property, from a seasonal to a year round residence.
- DM states that the new house is within the 50-foot buffer zone. M. Farrell states that the new house is to be located on the same footprint of the existing house, since the porch has a roof it should be considered the footprint.
- M. Farrell states that the house is within a plateau area with a retaining wall. By keeping the proposed house within the same footprint of the existing house, it minimizes tree removal and disturbance. Fill will need to be placed between the new house and the existing retaining wall
- D.Vizard goes over the plan with the Commission and points out what trees are to be removed. DG states that she is concerned with tree removal. KK states that the area has no ground cover and that the soils are acidic and sandy. Potential for erosion is high, especially if a lot of big trees are to be removed.
- KK questions what type of machinery is to be used. The slope leading to the house is very steep.

FINAL approved 9/28/06

- FD states that the structure will be 25-feet from the Lake and the only reason why the SCC is even considering the project is due to the fact that there is an existing house and the proposed house is in the same location.
- D. Vizard has an architect drawing on the proposed house and shows FD.
- M.Farrell states that the proposed house is 2 baths and 2 bedrooms.
- EG questions what type of equipment will be used and M.Farrell states a midsized excavator on tracks. He recommends that the driveway is paved with course material.
- KK states that a construction sequence needs to be provided. There is still work that needs to be done on the septic system (pump installation etc.). It needs to be clear how the house will be removed, stock pile areas etc. The area is steep and there are construction constraints.
- FD states he is concerned with the house location, size and future of use.
- M. Farrell states that there will be infiltration of the roof run-off.
- DB states that it appears that the proposed house is located in the same footprint and it is the only way to minimize impact.
- EG Motions to approve the location of the footprint, not approve the project but just the location of the footprint, DG seconds the motion. Members discuss the footprint of the house. KK states the porch is out of the footprint. FD agrees and believes that the footprint is where the foundation is. All in favor of approving the location of the footprint: 4 Opposed: 1 FD.
- DM states that stamped Engineered Plans may be helpful as a lot of construction details are missing from the plan. Not disrespectful to M. Farrell but he is not a PE
- DB states he is concerned about the construction and is concerned with the use of rubber tired vehicles.
- DG states she is concerned with erosion and run-off. There cannot be an increase to roof runoff. She is concerned with the tree removal. D.Vizard states that he is opposed to removing trees and the removal will be minimal.
- DB states that the Commission must continue the hearing and revised plans need to be submitted with construction details.

*Hearing continued to October 5, 2005 at 8:10 PM pending revised plans.*

### **PUBLIC HEARING**

NOI for 300-715: 130 Lane 9, proposed deck, garage and extension of driveway. Green Hill Engineering, Inc, representing J. Tasse

DB opens the Public Hearing at 10:33 PM

Present: M.Farrell, Green Hill Engineering

J. Tasse

New Information Submitted: Green Cards and Newspaper

Discussion:

- KK states that this is the first hearing on the project. Natural Heritage has indicated that no adverse impacts to the estimated habitat are anticipated (8/17/06 letter). The project includes the construction of the deck within the 100 foot buffer zone to South Pond and construction of a garage, extension of the driveway and installation of the dry wells within the 200-ft buffer. Members of the Commission visited the property

for a letter permit for tree removal last winter. Additionally, a Certificate of Compliance was granted within the past year for the construction of a porch/house addition.

- J. Tasse states that he has not removed the trees that was approved through the Letter Permit.
- DG questions if there is already a garage on property. J.Tasse states there is large shed and it is shown on the plans.
- DB makes a suggestion that the commission review the work that is in the 100-foot buffer zone separate from the work within the 200 foot buffer zone.
- DG questions the proposed drainage and the increase in run-off. J.Tasse explains to the Commission the two dry wells and where the run off will go. There is a French drain that is already present that keeps the patio from washing out. SCC members recall the French drain and discuss the outlet of the drain.
- DM questions if the new pavement will increase flow to the French drain outlet—could cause erosion. J.Tasse states that the dry well will take care of the new pavement and the second dry well is for the roof run off of the garage.
- DM question if there are gutters on the house and J.Tasse states yes, they drain into the ground.
- DM Motions to approve of the work located outside of the 100 foot buffer zone (garage, new pavement). All in favor: 5/0.
- Discussion of work within the 100 foot buffer zone (porch/deck): M.Farrell states that the deck will be installed on sonatubes and the footings will be about 9 to 10 feet from the house. It is a first floor deck with a 12 x 12 deck underneath at basement level.
- J.Tasse states that the posts are pressure treated wood and the deck will be composit decking. He states that there will be approximately 7 posts total. J.Tasse states that no woody vegetation will be removed and that there will be no impact to the slope. The construction and stock piling will be accessed off the existing brick patio.
- DB Motions to approve the deck with sonatubes to be installed by hand. Haybales are to be installed prior to the deck installation, FD seconds. All in favor: 5/0.

*Hearing closed. Approval Order of Conditions to be issued.*

### **10:50 PM OTHER BUSINESS**

1) Discussion of 98 Paradise Lane Planting Plan DEP 300-617 (Plan submitted 9/7/06 from Heritage Design Group).

- M. Detarando is present for discussion.
- KK states that the revised Planting Plan was submitted 9/7/06 (in the morning) by Heritage Design Group. SCC members review the plan.
- M. Detarando states that the plan is much better than the plan previously submitted.
- DG questions the area of proposed lawn. The planting plan is less than the 25-foot buffer zone—only about 10-feet from the Lake.
- EG states he is concerned with the grass and fertilizer—planting grass is prohibited within the 25 foot buffer zone. M. Deterando states that the planting plan is the area that was approved originally. KK reviews the original approved plan for house construction. SCC members review the plan and EG states that M. Detarando is right.

The Commission approved of a planting plan area that is less than the 25-foot buffer zone. He states that the Commission made a mistake. DB agrees.

- M. Detarando offers to install sod instead of grass. KK states that there is no fertilizer, pesticides, herbicides etc. allowed within 100-feet of the Lake—in the Bylaw.
- DB states that the Landscaper needs to verify that the *Ilex* species is not invasive.
- DB questions the paved area on the house side of the steps. M. Detarando states that the lip of the stairs need to be paved for support.
- KK states that the plan also includes a detail to correct the existing retaining wall. SCC members state that the work must be done during draw down.
- DB Motions to approve the Planting Plan with conditions—using sod instead of seeding and no fertilizer to be used, FD seconds. All in favor: 3 Opposed: 2 (DG, EG).
- KK to write Letter Approval.

## 2) Discussion of Hemlock Path Restoration Plantings, DEP 300-669

- KK states that Eco Tec submitted a letter stating that the woodchip removal is complete. Additionally Eco Tec is requesting revisions to the Restoration planting plan. (Letter dated 8/25/06). KK states that she emailed the letter to SCC members for review.
- KK states that she reviewed the letter in accordance with the plan and is okay with the changes. DB makes a motion to approve of the changes as submitted in the letter by Eco Tec with the Condition that the monitoring is to occur as approved and that the plantings shall be planted this growing season. DM seconds the motion. All in favor: 5/0.

## 3) Discussion of 180 Cedar Street run off improvement, Escape Estates Letter Permit

- KK states that the Letter permit request was received by DB on 8/17/06. She visited the property with A. Cormier of Escape Estates on 9/7/06 and shows photographs to the members. KK states that the work is out of scope for a typical Letter Permit. KK states that the 4-in pipe will discharge to a stone basin that currently received roadway run off. The basin is about 10-feet from the wetland boundary.
- DG states that there is a lot of water in the area and there is a drainage problem.
- DB states that he thinks it is good that a developer is offering to help an abutter out and correct the drainage problem. He believes that the Commission should allow the letter permit.
- DM states that he is slightly concerned with the additional water going to the wetland. DB states that if there are any impacts to the wetland as a result of the work, then an NOI must be filed.
- DB makes a motion to approve the Letter Permit with the Condition that a NOI must be filed if there are any impacts. FD seconds the motion, all in favor: 5/0

## 4) Discussion of Big Alum Lake drawdown set for 9/15/06 through 12/31/06.

- KK states that a letter was received on 8/21/06 written by Big Alum Lake Association. She forwarded the letter to the SCC Members for review via email. The Board of Selectman discussed the drawdown at their last meeting.

FINAL approved 9/28/06

- DB states that according to the WPA Regulations, a Lake drawdown needs to have an Order of Conditions. Historically the Commission has never required an Order of Conditions.
- DG recommends allowing the drawdown this year, but notifying the Association that a permit must be applied for next year.
- DM has a concern of how fast the rate of water comes out of the outlet and that 36-inches is more than usual. Additionally, he is not aware of the drawdown ever occurring as early as September.
- EG states that the Board of Selectmen has discussed this and that a member of the board says that there are 8 thresholds to allow a drawdown.
- FD states that September 15<sup>th</sup> drawdown date is extremely early.
- There is a brief discussion of the WPA Guidance and KK reads sections of page 6 & 8 of the Aquatic Vegetation Guidance to the SCC Members.
- Members discuss the concern of the drawdown date of September 15<sup>th</sup>. DB states that it could impact the habitat of the Lake
- DM states that the Commission should require additional information from the Lake Association justifying the early start date and the 36 inch drawdown. If any calculations were done and what was the basis of their early start date. SCC Members agree that September 15<sup>th</sup> is too early and that additional information is necessary.
- DB states that KK should write a response letter to the Association not allowing the September 15<sup>th</sup> draw down date and request that the Association meets with the Commission to discuss. DM agrees and informs KK to draft the letter for him to review.

5) Discussion of site walks for 9/9/06

6) Sign Permits:

- 278 Cedar Street Order of Conditions: DEP 300-709
- 20 Breakneck Road – RDA
- 473 Main Street - RDA

Meeting Adjourned 11:30 PM