

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday August 31, 2006

Open Meeting

David Barnicle opens the meeting at 6:58 PM

Board Members Present: David Barnicle (DB) Chairman, Ed Goodwin (EG), Donna Grehl (DG), David Mitchell (DM) at 7:04 PM and Frank Damiano (FD) at 7:10 PM
Kelly Kippenberger (KK), Conservation Agent
Danielle Garry for Minutes

CPA and Zoning Study Committee Update

EG briefs the members of a previous CPA meeting (tabled discussion).

DG states she did not attend the last Zoning Study Committee held on 8/10/06. Danielle Garry states that the Committee continues to discuss changes in the Zoning Map and there is a presentation on 9/14/06

7:05 PM – Appointment for 444 and 446 Main Street Property Owners

- Attorney J. Lasorsa present for discussion.
- KK states at the last discussion held on 8/3/06, commission members requested additional information on the restoration work (proposal from Brunner Development Landscaping).
- J. Lasorsa states that he spoke with G. Cormier and there will be some sort of written agreement drafted to state G. Cormier will maintain the easement from here on. He also states that Brunner Development was supposed to contact KK regarding the additional information—but KK on vacation. DM states that the Commission was clear last meeting on what the additional information was to be—the action item list was to be shown on the plan.
- DB questions what the maintenance agreement will state and J. Lasorsa answers that the agreement is to be on both property deeds stating that Mr. Cormier will be legally bound to repair/maintain the access road if there happens to be another storm. The access road is on Ying's property but it is no use to him.
- DB states that Ying is responsible for the damage that occurred in October 2005 floods—he has an Order of Conditions. He believes that Ying is responsible for his property until the maintenance agreement is recorded both deeds. J. Lasorsa agrees.
- DM states that the Commission's job is to protect the wetlands, not deal with property owner issues.
- DB states that Brunner should work with KK and at the next meeting—9/7/06 the members will review the restoration information. J. Lasorsa agrees

7:20PM – Members discuss 8/19/06 Site Walks

PUBLIC HEARING

2 NOIs CONTINUED from 6/15/06: DEP 300-692, 300-693: 84 Westwood Drive Lots 1 & 2. Proposed 2 Single Family Houses, Robida Engineering representing Choinski Construction.

DB opens the public hearing at 7:30 PM.

Present: S. Choinski, Choinski Construction

Discussion:

- KK states that at the 6/15/06 hearing, SCC voted to deny Lot 3. Lots 1 and 2 hearings were continued and revised plans for Lot 1 were submitted today, no chance for review. ANR for two lots were approved by the Planning Board on 8/16/06.
- S. Choinski shows members the revised plans and points out the revised property boundaries. Lot 2 has been sold with a Town sewer tie-in and Lot 1 currently has a proposed septic system.
- Members discuss the status of the Lot 2 Notice of Intent Application and questions S. Choinski if the Applicant will change. S. Choinski states that he does not know what the new property owner will do and he is no longer the Applicant for the Lot 2 Notice of Intent. KK states he must formerly request to withdraw the application.
- EG states that he recommended to the Board of Selectmen that they allow town sewer on Lot 1 because it would be a better way to protect the lake, in doing so it would allow the applicant to move the house closer to the road. He also feels it is a problem for the commission to move forward with the sewer plan.
- S. Choinski states that he would like Town sewer but he has no documentation that it will be allowed and he would like to move forward with the project.
- DM states the commission can not assume that he will get Town sewer, however he would rather not approve a plan with a septic system if Town sewer is an option.
- FD states that the revision to the plan is an overall improvement. It appears that the house is smaller and located closer to the road and there are only 2 lots instead of 3; he feels that this is reasonable use of the land.
- KK reminds the Commission of the abutters concerns for having a septic system on the Lake. The soils are sandy and “perc” well.
- EG agrees that the revised plan is better and questions what the cost difference is between a Town sewer and a septic system. S. Choinski states that is would be about the same cost.
- DB states that the Commission needs at least one week to review the plans, he recommends that the Applicant accepts a continuance.
- KK states for the next hearing, the Commission should receive an update for Lot 2.
- EG adds his suggestion of speaking with the Town Selectmen about getting a sewer tie-in for Lot 1 to protect the Lake.

Hearing continued for Lot 1 ONLY (DEP 300-693) to September 28, 2006 at 9:50pm, Applicant Agrees.

Lot 2 (DEP 300-692) Hearings were discontinued at the request of the Applicant—S. Choinski

PUBLIC HEARING

4 NOI's CONTINUED from 6/15/06: DEP 300-701, 300-702, 300-703, 300-704. Four Single Family Houses at 269 Cedar Street. Jalbert Engineering, Inc representing property owner(s) and T.Reardon Builders, Inc

DB opens the public hearing at 7:50 PM.

Present: D. Roberts and L. Jalbert from Jalbert Engineering, Inc.
Applicants

Discussion:

- KK states that since the 6/15/06 Hearing, she reviewed the wetland delineation in the area of the second crossing (site visit and photos 7/25/06) and has no issue with delineation. A response to her 6/14/06 memo was received on 7/24/06 and she recommends that the Commission reviews the response memo and discuss any other outstanding issues.
- SCC members review the photographs from the site walk.
- KK reads the memo in reference of monitoring the well—Members have a brief discussion.
- L. Jalbert states that the Board of Health is going to approve the project with two conditions: The property owner is responsible to clean out the septic lines (Y Connector) and that the septic lines need to be on each property (no separate easements).
- D. Roberts describes to the commission how septic lines are cleaned out and the Y connector.
- DG states that she wants concrete markers at the 25-foot buffer zone
- EG wants to know if there is any reason why the hay bales can not be brought back to the 50 foot buffer to limit the work area and D. Roberts states they can move it next to the retaining wall.
- SCC members discuss Lot 2—DB is concerned with the amount of wetland alteration—just under 5,000 square feet. KK states that the project includes wetland replication and buffer zone restoration.
- SCC members discuss possible Conditions for the project: replication monitoring, bounds, monitoring well etc. DM states that the monitoring well cannot exceed drinking water standards.
- D. Roberts states that previously Conditions were drafted and that the Commission could use the Conditions that were originally written.
- EG motions to accept all 4 project plans with Conditions as discussed and DM seconds. KK states that each Lot (1 through 4) is its own Notice of Intent and recommend that four separate motions are made and voted on.
- EG motions to amend the motion to approve Lot 1 with Conditions, DM seconds. All in favor: 5/0
- EG motions to amend the motion to approve Lot 2 with Conditions, DM seconds. All in favor: 5/0
- EG motions to amend the motion to approve Lot 3 with Conditions, DM seconds. All in favor: 5/0
- EG motions to amend the motion to approve Lot 4 with Conditions, DM seconds. All in favor: 5/0

Hearings closed and Four approval Order of Conditions to be issued. KK requests consent to issue the Orders in more than 21 days. Consent granted by D. Roberts. Applicant agrees.

PUBLIC HEARING

RDA for SCC 06-23: 473 Main Street proposed Handicap Ramp. Bertin Engineering Associates, Inc. representing applicant, A. Gill.

DB opens the public hearing at 8:22 PM

Present: H. Blakley, Bertin Engineering, Inc.

A. Gill, Applicant

New Information Submitted: Green Cards and Newspaper to open Public Hearing.

Discussion:

- KK states that this is the first hearing of the project and the applicant wishes to receive a Negative Determination for a Handicap Ramp and driveway turn-around. She visited the site on 8/1/06 and shows the photos to the members. The work is within the 100-foot buffer zone to a channel of Quinnebaug River—there is a steep vegetated slope to the channel. Additionally she states that the Applicant received no adverse impact from Natural Heritage (letter dated 7/10/06).
- KK states that the property is for sale, the Applicant is an Eye-Doctor and must have a handicap accessible building. Additionally, the Fire Chief is requiring a turn around for safety reasons, cars are not allowed to back out onto Route 20. There is an existing gravel drive for the proposed turn-around and the ramp will be constructed on sonatubes. The Applicant is working with the Tree Warden and the large tree is to remain. KK anticipates no impacts or issues and recommends a Negative Determination.
- EG Motions to issue a Negative Determination with any Conditions the Agent feels necessary, FD seconds. All in favor 5/0.

Hearing closed and a Negative Determination to be issued.

PUBLIC HEARING

NOI for DEP 300-710: 15 Woodlawn Drive, Septic System Repair. Green Hill Engineering, Inc. representing R.Sorenson.

DB opens the Public Hearing at 8:29 PM.

Present: M. Farrell, Green Hill Engineering

New Information Submitted: Green Cards and Newspaper to open the public hearing

Discussion:

- KK states this is the first hearing of the project and visited the site on 8/1/06 (shows members photos). She states that she found additional wetlands on the property not shown on plans (area of high ground water with a surface outlet/inlet found). KK states that the members may be familiar with the area—J. Hoffman a former Member abuts the property. Her concerns are primarily that there are wetlands present but not shown on the plan and there are no erosion controls.
- M. Farrell states that the new system is going to be in the area of the old system—the area is high and level and exists as lawn.
- DG questions if there are any other alternatives. M. Farrell states no, the area of the system is the highest point of the property. He briefly explains the new system—Presby Enviro-system.
- DB states that plans must show all wetlands and the Erosion Controls.
- DM questions how far the new system is from the wetland not shown. M. Farrell states probably about 60-feet. KK disagrees and believes it is a lot closer. The back yard is mowed, where the lawn ends is wetland. However, she agrees that where the new system is located on the plan is the best place.
- FD Motions to approve the septic system repair and issue an Order of Conditions contingent upon revised plans showing the additional wetlands and erosion controls, DG Seconds. All in favor: 5/0.
- KK requests consent to issue the Order in more than 21 days since there is no guarantee when the revised plans will be submitted. M. Farrell agrees.

FINAL approved 10/19/06

Hearing closed. Approval Order of Conditions to be issued pending revised plans. Applicant representative agrees.

PUBLIC HEARING

NOI for DEP 300-711: 36/38 Goodrich Road, reconstruction of a single family house. Jalbert Engineering, Inc. representing Frederick Gunn

DB opens the Public Hearing at 8:40 PM

Present: D. Roberts and L. Jalbert from Jalbert Engineering, Inc
F. Gunn, Applicant

New Information Submitted: Green Cards and Newspaper to open the public hearing

Discussion:

- KK states this is the first hearing of the project. She visited the site on 8/1/06 and shows the members the photographs. KK reviews the plans with the members and states that the proposed work is to remove the existing house and decks and re-build the house (points out the cross section included on the plans). Retaining walls are proposed. She states that the project is challenging and has major concerns with the steepness of the property and questions the machinery use.
- DM questions the estimate of fill to be brought in and D.Roberts states he is not sure.
- L.Jalbert states that they went before the Zoning Board of Appeals to allow the project and it has been approved.
- DM questions why a variance was needed and L. Jalbert states because of the undersized lot, lot coverage and the retaining wall is within 30 feet of Goodrich Road (Special Permit and Variance)
- FD questions if the Commission has any obligations to approve the project—if there is any type of Grandfathering. KK states no, the Commission must review the project in accordance with the Wetland Regulations.
- D.Roberts states the leaching pit passed Title V about two years ago—July 2004 and there will be no alteration to the existing system. He states that it is a septic tank with a trench extending out. DM states he has never seen a septic system like that and recommends that KK to check with the Board of Health.
- D. Roberts begins to go over the construction sequence for the project—there first needs to be a retaining wall built for a staging area. (wall about 14-feet in height). KK requests clearer phasing plans to be submitted.
- DM states that he is very concerned with the engineering and erosion potential.
- F.Gunn states that he is very frustrated with the permitting process. He feels that the Town Board's have hindered him from moving forward on the project. DM states that each Board has different priorities and each Board is reviewing the project in accordance with different Regulations. KK states that the Commission is reviewing the project to determine if the Lake is going to be protected. DB states that he should allow his representatives to speak.
- DB states that he initially does not like to see loam and seed near the Lake. The buffer should be able to re-vegetate naturally. EG agrees and states that he needs to see the site.
- DM suggests that a 3rd party review Engineer may be required.
- DM questions if there will be any blasting to the ledge and L.Jalbert states no, they will drill into the bedrock.
- SCC members agree that a site walk is needed.

Hearing Continued to October 5, 2006 at 7:30 PM pending site visit, Applicant Agrees

PUBLIC HEARING

RDA for SCC 06-25: 20 Breakneck Road, septic system repair. Seth Lajoie and Associates, Inc. representing G. Holstrom

DB opens public hearing at 9:10 PM

Present: S. Lajoie

New Information Submitted: Green Cards and Newspaper to open the public hearing

Discussion:

- KK states this is the first hearing of the project and she visited the site on 7/25/06—shows members photographs and points out where the existing and proposed system is on the plans. The Applicant is seeking a Negative Determination for septic system repair. The septic system is located on a steep slope, but vegetation and roadway is separating the wetland from the work. She adds that an intermittent stream was found across the street from the property that is not shown on the plan. With double erosion controls on the steep slope, she anticipates no issues and recommends a Negative Determination with conditions.
- Members review the plan and photos and agree with KK.
- EG Motions to issue a Negative Determination with Conditions as deemed by KK, FD
Seconds: All in favor 5/0.

Hearing closed and Negative Determination to be issued.

PUBLIC HEARING

NOI for DEP 300-712: 69 Paradise Lane (Lot 1) Construction of a single family house. Allen Engineering, Inc. representing Snowflake LLC

DB opens public hearing at 9:14 PM

Present: M. Allen, Allen Engineering, Inc

J. Schmitz, PWS

Abutters

New Information Submitted: Green Cards and Newspaper to open the public hearing

Discussion:

- KK states this is the first hearing of the project and the project includes reclassifying a perennial stream to intermittent and work associated with the driveway to a single family house within 5 feet of a wetland. She visited the property on 8/8/06 and made the following observations: Stream has no defined banks, it is braided throughout the wetland. The property is very steep and a lot of earth work is proposed. She is very concerned about the erosion potential and she requested that the Applicant show some sort of mitigation for the 25-foot and 50-foot buffer zone disturbance, in addition to an erosion control plan.
- KK shows the members the proposed plans and photographs. KK also shows the members the ANR plan that shows where Lot 1 of 69 Paradise Lane is located. Lot 1 is about 12 acres of the original 80 acre parcel at 69 Paradise Lane.
- DG questions if the proper paperwork was submitted to reclassify the stream, KK states yes and shows the members the photographs, drought information and watershed data.

- M.Allen begins his presentation off by going over the ANR Plan with the members. He states that the proposed project is on a 12 acre parcel for Lot 1. The Lot has proper frontage, the driveway will be at 12% grade. There is a cart path on the property but it is over 12% grade. The house will be on the flat portion of the land and the garage will be a drive-in under the house to minimize cuts.
- J. Schmitz summarizes the wetland areas that she delineated and states that the stream was dry last summer for about 2 weeks. She suggests that erosion control mats are should be used on the slopes of the property. She indicates that the property exists as a mature forest.
- M.Allen states that the drainage area/watershed size of the stream is very small at 0.13 square miles. The channel of the stream does not have any perennial stream indication.
- DG question if the driveway will be paved and M.Allen states yes.
- DB questions how much deforestation other than the driveway is going to be necessary and M.Allen states approximately 33,000 square feet is within the limit of clearing. DB states that he is concerned with the level of clearing near the house and close to the 25-foot buffer zone.
- DM questions how the slopes will be stabilized for the driveway grading. M.Allen states he is proposing a double row of hay bales with silt fence and erosion control mats on the south side of the driveway. Check dams can be placed on the north side of the driveway to divert runoff.
- Members discuss the grading of the slopes. DB questions if there are any invasive species within the erosion control mats.
- DG states that she needs to see a whole lot more mitigation.
- DB questions the inner hay bales line and the limit of work
- DM shows concern for the drainage of the driveway—especially post construction. The velocity of the run off is a concern, and he questions if the run off will be diverted or treated. M.Allen states he has thought about a swale system for the driveway. He proposes to pitch the driveway and have check dams that will divert the water during construction. M.Allen states that a temporary siltation pond could be installed at the end of the driveway near the wetland.
- FD suggests pavers for the driveway as an alternative to pavement.
- Members agree that a construction sequence is needed and the details of the drainage during and post-construction.
- DG states that she is very concerned with the amount of work in the 25-foot no touch buffer and the 50-foot no permanent structure buffer. DM agrees and states that the project is very challenging and does include a fair amount of disturbance within the 25-foot no touch. KK states that there are waiver clauses in the local bylaw but the Applicant has not requested a waiver or shown compliance with the bylaw.
- EG states that he can only allow reasonable use of the property. He requests to see the history of the lot of the past 15 years, he is wondering if an alternative access was blocked by the sale of frontage lots.
- P. Roy (abutter) states that the main concern of the residents is that the stream is the biggest surface drainage that comes into Big Alum. He states that the owners have the right to build but this project is an extremely challenging situation and it is located right next to the only brook that feeds into the lake. He questions the right of ways to other adjoining lots and he states that Paradise Lane is a newly paved road and residents are concerned with the heavy equipment traveling through.
- DB states that Big Alum is a slow recharge Lake, and in relation to residents being concerned about the road—there would have to be a bond set up and residents would need to take pictures before and after construction.
- M.Allen states that there are absolutely no intentions of the new owners to subdivide the parcel or grant any easements. DB opens the hearing to comments from abutters.

FINAL approved 10/19/06

- K. Scoble (abutter) states her concern is the run off and silt entering the stream and then into the Lake. She states that she has never seen the stream dry and when it rains, the water velocity is strong. She states that fish spawn in the Lake right at the stream.
- S. Sanderon (abutter) states that the brook is year round and the lake side of the brook always flows. He is concerned with the wetlands, post construction and the long term. He submits a report from Tighe & Bond that states that environmental scientists declared that the stream flows year round. (Report submitted dated 6/23/81: Big Alum Lake Restoration and Preservation Project 1980 by Lycott Environmental Research, Inc.)
- B. Sanderson (abutter) states that the low area of the property is very wet and that there is a bridge for kids to cross.
- P. Emry (abutters) questions what is the difference between perennial and not. KK explains the perennial verses intermittent stream status and Riverfront Area.
- B. Gran (abutter) states that he has lived on the Lake for 38 years and he has always seen fish spawn at the stream outlet into the Lake. Changing the status of the stream would be ridiculous.
- DB states that the Commission must take a site visit. M. Allen agrees and states that he would like to be present for the site walk.

Hearing Continued to October 5, 2006 at 7:50 PM, pending site visit. Applicant representative agrees.

PUBLIC HEARING

NOI for DEP 300-713: 58 Main Street, parking lot and drainage improvements. Bertin Engineering, Inc. representing L. Moreno.

DB opens public hearing at 10:10 PM

Present: H. Blakeley, Bertin Engineering, Inc.

New Information Submitted: Green Cards and Newspaper to open the public hearing

Discussion:

- KK states this is the first hearing of the project and the project includes improving the storm water of an existing paved commercial lot by replacing a 36-inch pipe with a new 36-inch RCP, adding a retaining wall, adding a stone channel for overflow, adding a deep sump catch basin and repaving the lot. Storm water Form was submitted with the NOI, along with the Operation & Maintenance Plan. Her concerns are—the flow of the water in the pipe during construction (dewater, etc.), maintenance of the property.
- KK shows the commission the plans and points out where the pipe is location and states that the pipe is in need of replacing. She reviews the Operation & Maintenance Plan with the members.
- Members have a brief discuss of the water flow. DB states that this system failed during October last year. The pipe has never been maintained.
- H.Blakeley shows the member where a retaining wall is proposed and states the water will flow West, she states the 36-inch pipe is in bad condition and needs to be replaced.
- Member discuss the pipes. FD states that if the project will be an improvement for the situation then he is okay with it.
- KK questions the construction of the pipe replacement. H. Blakeley states that the work will be done during a dry time and there will be no water.

FINAL approved 10/19/06

- FD Motions to approve as presented with Conditions stating that it must be dry conditions for the pipe work, DM seconds. All in favor: 5/0

Hearing closed. Approval Order to be issued. KK requests consent to issue the permit more than 21 days, H. Blakeley gives consent.

10:22 PM OTHER BUSINESS:

1) Discussion of Crescent Gate-Unit 12 Sun room. DEP File No. 300-598

- S.Paquette present for discussion
- KK shows the commission photographs and states that the applicant wants to relocate the sun room which will be 12 x 12.
- S.Paquette states it is for Unit #21, the buyer wants the sun room on the side of the unit. The sunroom will be on sonotubes and the limit of work is not changing. Although it will be located in Riverfront Area, the gazebo is being eliminated from the project.
- EG Motions to allow the change with a letter, FD seconds, All in favor, 5/0.

2) Discussion 34 Tannery Road, DEP 300-550 Enforcement Order

- F. Noel (Noel Homes Inc) present for discussion
- KK shows the members the plans and states that this is an Amendment to the Order of Conditions to change the location of the house (hearing is scheduled for September 28, 2006). The foundation was poured before the SCC approved the house location change, therefore stop work issued. DG states that there is also an extension of the retaining wall.
- F.Noel states that the original plans were wrong. The house is now located farther from the wetlands
- KK states that although the house is located further from the wetlands, the grading and elevations are different and the Commission did not have the chance to review the plans prior to the changes.
- DM states that he understands that F. Noel's intentions are good but there are a lot of revisions to the lot. The changes made are much more than just a field change. The Commission must have the chance to review and approve changes.
- F. Noel states that the problem is the changes made on Lot 29.
- DB states that a hearing is set and the Enforcement Order remains in place.
- F. Noel leaves meeting. Prospective buyers present and question the permitting process.

3) Discussion of 32 Hamilton Road Proposal

- E. Wilhelmsen (Heritage Design Group) and K. Tasse (Applicant) present
- E.Wilhelmsen states that he would like to get the Commission's initial opinion on a proposed garage addition at 32 Hamilton Road. He is looking to submit an NOI and he needs a waiver from the 25 foot no disturbance. He states that the other alternative would be to put the garage on the other side of the house but the septic system would have to be relocated—not feasible.
- FD states that the garage would be very close to the wetlands. He prefers it to be located further.
- EG states it is not acceptable, must be out of the 25-foot buffer zone

FINAL approved 10/19/06

- KK states that the area currently exists as lawn. Is there some sort of mitigation that could be done.
 - EG states that alternatives must be shown out of the 25-foot buffer. FD agrees.
- 4) Discussion of Buffer Zone Regulations and Slope Regulations.**
- DB requests that ALL members read the 25 and 50 foot buffer zone regulations in the bylaw and that a work session must be scheduled.

11:30 PM Meeting Adjourned