

STURBRIDGE CONSERVATION COMMISSION (SCC)
Minutes for Thursday, September 28, 2006

7:03PM Open Meeting

Board Members Present: Dave Barnicle (DB), Chairman; Ed Goodwin (EG); Donna Grehl (DG); Frank Damiano (FD); and Dave Mitchell (DM) arrives at 7:15 PM
Kelly Kippenberger (KK), Conservation Agent
Danielle Garry for Minutes

Minutes Approval

DB questions if members have reviewed the 7/20/06 and 9/7/06 minutes. Members state that they have reviewed both set of minutes. DG states that she had a couple of spelling edits for the 7/20/06 minutes. DG motions to approve the 7/20/06 minutes with the minor edits, EG seconds. All in favor: 4/0

DG makes a motion to approve the 9/7/06 minutes as reviewed, FD seconds. All in favor: 4/0

7:05 PM APPOINTMENT

Big Alum Lake Association for draw down

- DB opens the discussion by explaining to the audience and reminding the members about the Interests of the MA Wetland Protection Act and the Town of Sturbridge Wetland Bylaws.
- KK states that members of the Big Alum Lake Association are present to discuss the draw down of the Lake. A Letter dated 8/21/06 from Big Alum Lake Association was sent to the Board of Selectman and copied to the Commission stating that the draw down will be from 9/15/06 to 12/31/06 and for 36 inches. The SCC discussed the notice at the 9/7/06 meeting and decided to send a letter to the Association (dated 9/11/06) not allowing the 9/15/06 draw down start date and requesting additional information.
- KK states that the Association responded to the SCC on 9/19/06 and she summaries the letter. She also adds that the Town Administrator sent a memo dated 9/19/06 regarding the past requirements for a draw down. KK states that according to the MA Wetland Protections Act, lake draw down is a Limited Project that is typically done for aquatic vegetation control. A permit is needed for the draw down. She requests that people clearly state their name prior to speaking for the record.
- T. Chase states that she is the President of the Environmental portion of the Lake Association. She reviews the draw down history graphs (from 1986) with the SCC members and points out that the draw down release has fluctuated from 30 to 36 inches. (DM arrives 7:15PM)
- FD states that the Commission needs justification for the draw down. The Commission strongly agreed that September was too early for a draw down.
- P. Delacey states that in 2005 there was no draw down of the Lake--the water level never went down and that is the incentive to draw down early this year.
- P. Lamerine states that it has been an unusual year, typically the water level is 6 to 7 inches lower than the top of the spillway. If the Lake is drawn down 36-inches, the will only be about 1-ft of dry shore on the western side of the Lake. Now the water is currently spilling over the spillway. The reason the Association has done the draw down historically is for weed treatment and to allow people to fix minor repairs on the Lake walls. The draw down is good for the trout and if they don't do it, they will run the risk of retaining walls in disrepair. He states that they only plan on drawing down 1-inch per day.
- FD questions if the primary reason for draw down is for vegetation control.

- J. Field states that he needs to repair his retaining wall and if the water level does not go down he will have to stand in the cold water and ice to repair the wall.
- DM questions how they plan on regulating the 1 inch draw down daily and K. Guyeski (abutter) answers by regulating from the top of the spill way.
- K. Guyeski states that he has been doing the draw downs for years. All he needs to do is open the gate of the dam and monitor the release. Sometimes leaves clog the dam that he needs to clean out. The typical draw down start is Oct 15 and usually the draw down is about 28-30 inches. The 36-inch draw down is from the top of the spillway and it will protect the retaining walls from freezing.
- FD questions why the extra 6-inches from the typical draw down.
- DM states that now the Lake is in Natural Heritage rare species habitat and that the reason of doing draw down for 20 years does not justify the Commission to allow it.
- K. Guyeski states that 36-inches is historically the amount to get things accomplished around the Lake. He states that he maintains the level of draw down by closing the gate when it reaches the desired level
- DM suggests consulting L. Lyman of Lycott for the Lake recharge rates.
- EG states that the Town has never related the draw down to the MA Wetland Protection Act. It has always been just written notification in the form of a letter. He questions if the Commission has the authority to allow the draw down now and he asks what can be damaged during the draw down.
- DM answers that amphibians and turtles could bury themselves in the mud and freeze/die. He states that the Regulations have changed and need to be addressed. Importantly, a letter needs to be sent to the Div of Fisheries and Wildlife. Another thing that the residents need to think about is where the wells are located and if the draw down would affect their water supply.
- EG states that the Commission should allow the draw down just for this year--the walls need to be repaired. EG states that the draw down has been done by a letter permit for 20 years.
- DB states that the request for draw down was before 10/1/06--when the rare species was in effect.
- P. Lamerine states that two walls are about to fall into the Lake and that this year is crucial to allow the draw down.
- B. Gran states that he has been living on the Lake since 1948 and he has seen the water quality of the lake go down. The development off Lake Road has created a lot of run off into the North end of the Lake. The retaining walls need to be repaired or the water quality will get worse.
- DB states that the Commission should consider the draw down to start 10/15 like they have in the past.
- FD states that perhaps the Commission should allow the draw down for one more year without a permit. He motions to allow 1-inch per day at a maximum of 36 inches from the top of the spill way. DM seconds. Discussion of the motion: KK states that the motion should include a start and finish date for draw down.
- SCC members consider 10/15 or 10/1 for a start date. ED states that the Association wanted to start in September but the Commission didn't allow it. DM states that he would like to see more information submitted for the draw down like a list of reasons for the request. He states that a permit will be needed for next year. FD amends his motion to allow the start of the draw down to be 10/1 and end on 12/31. All in favor: 5/0
- Further discussion of the requirement of a NOI to be filed for next year.

PUBLIC HEARING

NOI CONTINUED from 7/20/06: DEP 300-695. 11 Library Lane, septic system repair/replacement. Jalbert Engineering, Inc. representing F. Lyford and the property owner's (Polk).

DB opens the public hearing at 7:55 PM.

Present: L. Jalbert, Jalbert Engineering, Inc.
K. Polk

Discussion:

- KK states that the Members visited the property in June. Since that time the revised plans were submitted (plans dated 7/31/06) showing a tight tank instead of a leaching pit. The tight tank minimizes the amount of tree clearing. She also states that the Board of Health issued an approval on 9/27/06 with a Condition that the property remains a seasonal bunk house (to be on the deed).
- KK states that her remaining concerns are that it appears the tree clearing was not minimized (tight tank does not require the tree buffer like the leaching pit). KK also recalls that members were concerned with the trees off property to be removed
- L.Jalbert states it will be a 2,000 gallon tank and the trees on the west side will to be removed, but not on the east side of the tank. The soil will be stockpiled and then backfilled over the tank. The stock pile closer to the cove will not be needed.
- FD requests what is the net benefit of the change from pit to tank. L.Jalbert states that 9 trees will be saved. He shows the Commission the trees to remain.
- KK states the plans need to be revised to show accurate tree removal.
- DG questions how long the stock pile will be onsite. L. Jalbert states about 3 days or so.
- DM questions if a tight tank has less leaching potential. L. Jalbert states that the tank will have an alarm and it will need to be pumped and maintained. He also states that the building will have a deed stating that it is a seasonal building--the foot print is not to enlarge.
- DG questions the two large trees to be removed off property.
- K.Polk states that he has owned the property for 5 years and he reviews the access area for the construction with the Commission on the plan.
- EG states he does not believe the trees need to be removed. L.Jalbert states that the trees need to be removed to allow the trucks access to the area. Also, pump trucks will need access. EG states he believes a truck can access the property without removing the trees, a mat could be laid down to drive over. L. Jalbert states that the property owner cannot risk damaging the existing system, the cost would be great. L. Jalbert states that the swing of the truck to bring in the tank cannot make the corner.
- FD wants to know if the SCC is obligated to approve the tight tank. He feels that the project has approved since the first hearing, but remains concerned about the buffer zone disturbance. SCC members discussion the tree removal
- DG states that she is concerned with the removal of the two large trees and questions another alternative. She also wants to see mitigation on the plans.
- L.Jalbert states there are no other alternatives to the removal of the two trees.
- DG states if trees are to come down, not only do they need to be replaced but also a letter needs to be sent to the Lake Association to make them aware of it.
- DB agrees and requests that a letter is submitted from the Walker Pond Association allowing the removal of the trees.
- KK states that the plans need to be revised to accurately show the tree removal in the area of the tight tank. L. Jalbert agrees and that the stock pile area will also be revised.
- DB questions if the applicant would like a continuance and L.Jalbert states yes.

Hearing continued to October 19, 2006 at 8:00PM pending revised plans.

PUBLIC HEARING

AMENDMENT for DEP 300-550: 34 Tannery Road (Lot 31 Allen Homestead/Tall Pines Development).
Revised location of house, driveway etc. Guerriere & Halnon, Inc. representing Noel Homes Realty Trust.

DB opens the public hearing at 8:16 PM

Present: E. Mainini, Guerriere & Halnon, Inc.

First Hearing: E. Mainini submits the green cards from abutter notification but does not have a copy of the newspaper ad. SCC members agree to open the hearing but if the hearing was not advertised correctly, the Commission will have to read the minutes from this hearing and the hearing will have to be re-advertised.

Discussion:

- KK states that an Enforcement Order was issued on 8/9/06 since the foundation was installed prior to this hearing and Amendment approval. At the 7/20/06 Hearing, the Commission reviewed the proposed changes and required that a formal Amendment request to the Order of Conditions is filed. Plans approved in the Order are dated 7/10/03, Extension was granted and the Order is valid to 2/21/07. Revised plans for the review are dated 8/1/06. KK and DG visited the property on 9/20/06 and KK shows the members the photographs.
- KK states the two perimeter drains are not on the plans but are on the photographs taken 8/18/06 & 9/20/06. Also, the retaining wall is in and is located closer to the detention basin (shows on photographs).
- DB questions why the perimeter drains are not on the plan before the Commission. E. Mainini states she was not told the perimeter drains were put in.
- E. Mainini states that she is unsure if the infiltrators were installed but she did see it go in on Lot 30 next door. She states that the location of the house and driveway must change because Lot 29 was built 5 feet higher than it was supposed to, so the grades on Lot 30 and 31 had to be re-evaluated.
- E. Mainini states that the changes are better for the wetland, less impervious area--about 1000 square feet less.
- DB states that his concern is that there is not control over the project. It appears that the Engineer and Builder are not communicating well. How could the foundation be poured if it is not approved? He is also concerned with the extension of the retaining wall without approval.
- EG states he would like to see an As Built plans of what is actually on property.
- FD states he has a concern that the wall is completed and that the Commission did not have opportunity to review.
- DM states he wants to see the Engineer that produced the plans come before the SCC. He believes that the Engineer who is responsible for the problems should speak to the Commission--no offense to E. Mainini
- DG states there is an erosion control problem on Lots 29 & 30. Water is between the properties and washing out the stone retaining wall.
- KK states that the Commission needs a current As Built plan showing all the details including the foundation location, existing pipes and drains, if the infiltration units are proposed or existing, and the rock area at the end of the wall going into the detention basin.
- DB states that having no communication is unacceptable and making a field change without approval is really bad. He is unsure if he is going to approve of the field change.
- DB states that KK needs to monitor the property to make sure the work is completely stopped.

Hearing continued to October 19, 2006 at 8:10 PM pending revised plans

PUBLIC HEARING

NOI CONTINUED from 8/3/06: DEP 300-697. Proposed Stoneleigh Woods at 6-8 Chase Road & parts of 9 Chase Road and 141 & 159 Fiske Hill Road. Waterman Design Associates, Inc. representing Blue & Gold Development Group, Inc.

DB opens the Public Hearing at 8:46 PM

Present: W. Belec and P. Thompson from Waterman Design Associates, Inc.

Discussion:

- KK states that since the last hearing, the SCC members conducted a site walk on 9/21/06. The areas focused on at the site walk were where the work was closest to the wetlands, near Basin 3A and Basin 4A. The SCC members showed concerns for the amount of tree clearing and disturbance within the 50-foot buffer zone and if there was anyway to minimize disturbance. Additionally, at the last hearing, members requested information regarding the amount of earth work and material to be removed from the site. Planning Board issued Site Plan Approval on 7/19/06.
- W.Belec reviews the project plans with the Commission and shows the members the area of detention basin 4. He states that one building is located 68 feet from the wetland--the only building within the 100-foot buffer zone. Members discuss the outlet of the basin. W. Belec states that the outlet of the basin is located in a natural swale area that leads to the wetland. He states that KK agreed that the outlet was in a good location.
- EG states that the property is high and dry and does not see the reason for work within close proximity to the wetland. The tree clearing and the basin can be moved away from the wetland
- W. Belec states that when designing the project, the water quality basins were specifically located to simulate flow patterns. He states that the project meets the Wetland Bylaw requirements, there are no buildings in the 50-foot buffer zone.
- KK clarifies that grading associated with the basins is located in the 50-foot buffer zone and she asks what work is in the 25-foot buffer zone
- W.Belec states that the splash pads of the detention basins are located at the 25-foot buffer zone. A series of BMPs have been incorporated into the design to meet 90% TSS removal. The goal of the project was to maintain the hydrology of the area and the flow patterns.
- FD states that he has no concerns with this project. The project has been designed to have clean water be discharged to the wetlands.
- DG states that trees need to stay around the water resource areas. KK states that the reason why the members are concerned with the tree removal is the potential for erosion into the wetland and shading of the wetland.
- W.Belec states that the basins are to be vegetated and no invasive species are proposed. They have been working with the tree warden on the landscaping of the development. The landscaping plan has improved through the planning process.
- P.Thompson states that plantings are proposed around the basin outlets and the splash pads are at grade. The clearing limits around the basins are very tight.
- DG states that she is concerned with the tree canopy near the wetland. If the wetland dries out then you can change the wildlife and the habitat. W.Belec states that there will be a canopy over the splash pads.
- EG expresses that he is very concerned with how close the work is to the wetland. He states it is a big, dry parcel and the basins need to be moved away from the 25 foot buffer zone or he will not approve the project.
- W. Belec states that by working with the tree warden, they have minimized the clearing and that the tree warden will have final say on the clearing limits.
- Members discuss the canopy that is to be lost. DM questions if there is a heavy canopy over the area of the basins now. KK states that the property is mature forest with large pine trees.

- FD states that he sees the impact to the wetlands has been minimized. EG states that he would like to see alternatives. Members discuss project alternatives. DM states that 71 units are proposed and it appears that it is a dense development. Alternatives may exist.
- W.Belec encourages the SCC to look at the landscaping plans and states that the area of the basins will also be planted with wetland vegetation. He states that Waterman Design has a good track record with the Commission--there will be erosion monitoring reports similar to the Crescent Gate project
- KK states that she has reviewed the project with the Applicant over several months and she believes it is a good Engineered plan. She also adds that Waterman Design has worked with her in responding to her requests and concerns.
- W.Belec states that there are no wetland alterations on the project. The parcel is 35 acres and under zoning, 10% of the property must be open space. They have designed the project with 35% open space and a trail system.
- DG states that they have to prove there are no other alternatives. She feels that alternatives exist.
- DB states that the Planning Board passed the project without many changes. He recommends that the members review the planting plan and that the applicant try to get out of the 25-foot buffer zone.

Hearing Continued to October 19, 2006 at 8:30PM pending alternative information

PUBLIC HEARING

RDA CONTINUED from 8/3/06: SCC 06-15. 165 Charlton Road, wetland and stream determination. Alton Engineering representing Bill Babineau.

DB opens public hearing at 9:18 PM

Present: A. Stone, Alton Engineering
B. Babineau

Discussion:

- KK states that since the last meeting the SCC members visited the property and KK & DG visited the property on 9/20/06 to review the wetland delineation. In 2000, the SCC reclassified the stream to be intermittent—the wetland line was not reviewed and there was not a determination on the drainage ditch. The Applicant is requesting to re-classify the stream to intermittent again and get approval on the wetland delineation, which includes a determination on the drainage ditch as not a protected resource area.
- KK shows the members the plans. She states that the wetland is disturbed and the property has been previously developed. She believes that the drainage ditch is man made. She is uncomfortable with the wetland delineation, the soils are disturbed and there are wetland plants present in areas that is not flagged. KK states that beaver dams were removed in December 2005. DG states that water was present in a portion of the ditch that was not flagged.
- A.Stone states the beaver dams caused the property to flood. He states that B.Babineau took the dams down by hand.
- KK states she does not agree with the wetland delineation line. She recommends that DEP Data Forms are submitted.
- A.Stone states that there is a mix of plants species, he agrees that it is a disturbed area. There are no obligate species in the wetland. In the area that is questionable, they went down about 18 inches and there was no water present. The soil is very hard and there is no hydrology.
- DB questions if there was any redox features in the soil and A.Stone states no.

- DB questions if the soil sample was taken at the high or low point and A.Stone states at the high point, over the berm and on the path. (shows the members the plans).
- A. Stone states that he stands by his delineation and that it does not meet the criteria for BVW. Members discuss the area in question.
- DG states that water is present and there are wetland plants. Members discuss the drainage ditch area.
- EG recalls the ditch from previous site visits and feels the ditch should be flagged. A.Stone disagrees and states that under the Act anything flowing into a wetland is not a stream. KK states that the ditch may be protected under the local bylaw
- EG states that the Commission should visit the property to look at the wetland. He feels that if the Agent is not satisfied with the delineation then the commission should take a look.
- Members discuss the stream reclassification. DB states that when he visited the property it was more to look at the stream. DM states that there is a high concentration of iron in the stream--the rust colored water. DB states that it appears that the stream carries ground water seepage.
- KK reviews the photographs submitted with the filing and the other reclassification documents.
- DM states that the property does have a lot of ground water seepage with high ground water. The stream does not appear to support a fish population.
- DM Motions to reclassify the stream from perennial as shown on the USGS Map to intermittent, DG seconds. All in favor: 4/1 (EG opposed).
- Further discussion of the hydrology of the property. DB states that KK will contact the applicant when the Commission is to visit the property.

Hearing continued on October 19, 2006 at 8:50 PM pending site walk.

PUBLIC HEARING

NOI CONTINUED from 8/3/06: DEP 300-708 for 9 Library Lane, construction of a driveway. Jalbert Engineering, Inc. representing the property owner George Hammond.

DB opens public hearing at 9:51PM

Present: L. Jalbert, Jalbert Engineering
G. Hammond

Discussion:

- KK states that SCC members visited the property on 8/19/06. Concerns from the site walk include—run off control from the driveway. KK shows the members the plans and photographs from the property.
- L.Jalbert describes the project to the members. He states that the excavation will be at the back of the house and there will be minimal impact to the property. The driveway will be gravel and the slopes on the side will be loomed and seeded to decrease the run-off. He shows on the plans where the catch basin and french drain is to be in the rear of the house.
- DB states that at the site walk there was the potential for the runoff to go into Walker Pond. He needs to be reassured that will not happen.
- DM questions what type of equipment will be used for the excavation and L.Jalbert states that a small Bobcat will be used, it is already on property. Members recall seeing it on the site walk
- L.Jalbert states that the applicant has proposed plantings in the rear of the house.
- KK questions if the plantings are mitigation for the well that was installed within approval from the Commission. KK also questions if there is erosion potential from the runoff to be discharged. L.

Jalbert states that there is going to be rip rap and not a lot of water will be coming out of the pipe so he does not see any potential for erosion.

- DG questions the number of trees to be removed. G. Hammond states that he does not want to remove too many trees.
- DB states that the plans should show the trees to be removed.
- KK states that the blueberry shrubs may not succeed. L. Jalbert states he can revised the plantings.
- DB recommends a continuance to allow the applicant to submit revised plans, a pitched driveway to help the runoff, revised plantings and accurate tree removal. Applicant agrees.

Hearing Continued to October 19, 2006 at 9:00 PM pending revised plans

PUBLIC HEARING

NOI CONTINUED from 8/3/06: DEP 300-705 for 130 Lake Road, reconstruction of a lake house. Eco Tec, Inc. representing Charles and Linda Bemis.

DB opens public hearing at 10:02 PM

Present: S. Morrison, Eco Tec Inc.

C. & L. Bemis

Open Hearing: KK states that the first hearing on 8/3/06 was not advertised correctly (no newspaper ad). The applicant advertised this hearing in the paper (proof submitted 9/17/06) and the abutters were previously notified--as required. KK reads the minutes from 8/3/06 in the case abutters are present.

Discussion:

- KK shows the members the revised plans dated 9/13/06 and reads the letter submitted by EcoTec that summarizes the project revisions. The revised plans include a detail of house footings, number and location of the footings and the limit of temporary disturbance.
- DG questions if there is run-off from the existing house and C.Bemis states yes, it goes into the ground. S.Morrison states that a stone infiltration will wrap around the house.
- EG questions the square footage of the new house verses the existing house. S.Morrison states that the new house is approximately 200 square feet larger (footprint). He states that they are proposing a mitigation area of 400 square feet to be planted with wetland shrubs good for habitat.
- DM questions the big-foot piers.
- S.Morrison describes the pier installation—Excavating a hole approximately 4 feet deep, then install sonatube footing, then back fill and pour concrete around it.
- EG questions if there is parking and S.Morrison states there is a parking area between the shed and Lake Road (shows on the plans)
- FD states that he would like to see that the parking area does not change. He is concerned with the foot traffic into the wetland.
- FD questions what if ledge is hit during excavation for the footings. S.Morrison believes that they will not hit ledge, but if they do the footings could potentially be poured on the ledge.
- EG states the plans show the house 1 foot closer to lake than the old house and the commission should not allow a new house closer to the Lake. DM states that 1-foot closer to the Lake is not a big deal.
- DG questions how much area will be disturbed and S.Morrison states roughly 1,700 square feet.

- KK questions the limit of work and temporary disturbance. S. Morrison states that the area that will be temporary disturbed will be restored to pre-construction conditions.
- EG Motions to accept the revised plans as submitted, DG seconds.
- Further discussion of construction sequence—rubber track machine to be used.
- All in favor: 4/1 (FD abstained).

Hearing closed and approval Order to be issued.

PUBLIC HEARING

NOI for DEP 300-717: 144 Lake Road, proposed re-construction of a closed porch. Jalbert Engineering, Inc. representing John Argitis.

DB opens public hearing at 10:21 PM

Present: L. Jalbert, Jalbert Engineering, Inc.

J. Argitis

First Hearing: Newspaper and Green Cards submitted.

Discussion:

- KK states that this is the first hearing on the project. Project includes removing a deck within the 25 foot buffer zone to Big Alum and extending an existing screen porch (new addition). KK and EG visited the site on 9/20/06. Her questions are: will the new porch be constructed on footings, utilize old footings? Roof runoff?
- KK shows members the plans and photographs.
- L.Jalbert describes the construction sequence—the roof on the garage will be replaced with a metal roof. There will be a canopy over the deck of the garage for roof run off and snow. The Zoning Board determined no negative impact, (non-conforming lot) so no variance is needed. Property has approximately 19% coverage and Pre and Post coverage is the same.
- DG has a concern with the percentage coverage, she states that there is a lot of pavement on the property. She questions the percentage of impervious area. L. Jalbert states that zoning does not include driveway in the percent coverage.
- FD states that deck verses porch is not an equal trade as far as runoff goes.
- J.Argitis states that there is plastic under the deck now, water does not infiltrate into the ground. L. Jalbert states that the deck is impervious with the plastic and the runoff amount will be the same pre and post.
- KK questions the amount of earth disturbance and if they any new footings (excavation) will be needed for the new porch.
- L.Jalbert states that it really is an expansion of an existing room and there will be about 4 new footings to be dug by hand—no machines.
- DM questions what is the reason to expand the porch. L. Jalbert states that the applicant is doing internal renovations and would like to make the porch year round.
- DG states there is no new construction in the 25-foot buffer to the Lake. J. Argitis states that he is removing the deck and he has improved the property by adding a lot of vegetation. He invites the Commission to the property for a site walk.
- L. Jalbert states that there is no increase in impervious area.
- Members state they need a site visit.

Hearing continued to October 19, 2006 at 9:05 PM pending site visit.

PUBLIC HEARING

RDA for SCC 06-31. 21 Valley Road for proposed dock. Michael and Linda Devine.

DB opens public hearing at 10:38 PM

Present: M. and L. Devine

First Hearing: Newspaper and Green Cards submitted.

Discussion:

- KK states that this is the first hearing on the project and the applicant is seeking a Negative Determination. The project includes excavating a hole for concrete and attaching a dock. The work will take place in one day. KK and EG visited the site on 9/26/06 (photographs). Her questions and comments include: removal of existing structure (not shown on plans), soil to be removed off site and still need approval from Harbor Master. She shows the members the plans and photographs.
- M.Devine states they are proposing to remove a portable dock to be replaced with a permanent dock 30-32 feet in length.
- KK reads the Town's Dock Regulations
- DM states that the dock will be larger than the Town allows but that is the Harbor Master's regulations to enforce.
- DG feels they should not allow permanent docks.
- DM questions how wide the new dock will be and M.Devine states 5 feet.
- M Devine states that the soil will be immediately put into a truck--not to be stockpiled.
- KK questions the boulders in the photographs. M. Devine states the boulders will not be removed.
- FD Motions to issue a Negative Determination, DG seconds.
- Discussion continues. KK recommends that the Commission issues a negative determination with Conditions. She then questions how is the old dock to be removed and M.Devine states by hand and put in a truck and removed.
- EG states the project must meet the Harbor Master Regulations.
- M.Devine states the new dock will be put in by a crane and during draw down of the water.
- DG states that she would like to see plantings, there is lawn right down to the water. M. Devine states that they have no problem with doing plantings. DG states that no pesticides and fertilizers are allowed.
- Members discuss conditions: planting plan to be submitted and approved, no stock piling of soil, applicant must go to the Harbor Master for approval, no boulders are to be removed, inspection once work is complete. All in favor of negative determination with conditions: 4/1 (DG opposed).

Hearing closed and Negative Determination with conditions to be issued

PUBLIC HEARING

NOI for DEP 300-718: Woodside Circle and 31 Caron Road, proposed sewer line construction. Tighe & Bond representing the Town of Sturbridge.

DB opens public hearing at 10:56 PM

Present: D. Prickett, Tighe & Bond

First Hearing: Newspaper and Green Cards submitted

Discussion:

- DM recuses himself as he is an abutter to the project.
- KK states this is the first hearing on the project. The Town is the Applicant—project includes sewer main installation within Woodside Circle and a connection to Caron Road (through forest). The work is located within 25 feet of a small intermittent channel in the connection to Caron Road. This project is a limited project under 310 CMR 10.53 (d) with the following conditions: best available measures shall be used to minimize adverse effects, surface vegetation & contours shall be substantially restored and all sewer lines shall be constructed to minimize flow and leakage. NOI application package was put together nicely and included DEP Data Forms, Photographs and a Project Narrative.
- KK shows members the plans and photographs
- D. Prickett states this project is a sewer extension for Woodside Circle, it is designed to be a low pressure sewer system, it will serve 34 existing homes including 4 homes that abut Westwood Drive and Woodside Circle. The buffer zone will be protected with silt fence and hay bales. No change to the grading or impervious areas.
- DB questions what they plan to do with the materials to be removed and D.Prickett states it will be brought to an off site location, no stockpiling.
- D.Prickett states for house numbers 19 & 21 Woodside Circle there will be some landscaping restoration. He met with the neighbors during project design.
- KK questions the right away to Caron Road and D.Prickett states they would like to obtain a 25 foot right away, about 10 feet from the property lines. He states that the sewer main will be about 5 to 7 feet deep and a 12-15 foot wide trench for excavation.
- KK questions the restoration and D.Prickett states that they plan on restoring any plantings that need to be removed but trees cannot be over the pipe.
- EG questions what will happen to the existing private systems and D.Prickett states they will all be abandoned in compliance with Title V regulations. Each property will get a new grinder pump so there will be excavation on individual properties.
- KK questions if there is excavation involved with the existing systems and D.Prickett states he needs to refresh his memory of the Title V, he believes the top of the tank is crushed and filled with sand.
- D. Mitchell (abutter) questions how are they taking care of the leach field and D.Prickett states it will be abandoned in place in accordance with the regulations.
- FD Motions to approve the plans as accepted.
- SCC members discuss the need for a site walk
- D. Mitchell questions when the project will start and D.Prickett answers Spring of 2007.
- D.Prickett states that already there may be a slight change in the project, if they extend the new sewer main further down Westwood Drive then the easement to Caron Road is not necessary.
- Members state that a site visit is needed, but they do not see any issues with the project. D. Prickett agrees.

Hearing Continued to November 2, 2006 at 7:30 pending site visit.

PUBLIC HEARING

NOI CONTINUED from 8/31/06: DEP 300-693 for 84 Westwood Drive Lot 1. Proposed single family house, Robida Engineering representing Choinski Construction.

Requested Continuance: KK reads request received via fax on 9/28/06

September 28, 2006 Conservation Minutes

Page 11 of 13

Members agree to continuance.

Hearing Continued to November 2, 2006 at 7:50PM

11:15 PM OTHER BUSINESS:

1) The Preserve Extension of Order of Conditions DEP 300-471

- C. MacGregor present for discussion
- KK states that the Extension expires tonight and C.MacGregor sent certified letters on 9/1/06 to people with a Conservation Easement on property (list sent to the Commission on 9/15/06).
- C.MacGregor updates the Commission the status of the project and requests a 1 year extension.
- EG Motion to issue a 1-year extension, FD seconds. All in favor: 5/0.

2) Extension request: DEP 300-518 for 96 Fairview Park Road

- K. Rabbitt present for discussion
- KK shows the members the plans and states the extension expires 10/3/06—work has not started for a single family house and they are requesting a 1 year extension.
- FD Motions to accept the extension, DM seconds. All in favor 5/0.

3) 53 Technology Park Road, DEP 300-631

- M. Loin from Bertin Engineering and B. McClurg present for discussion.
- KK states that revised plans were submitted 9/26/06 that propose correcting the drainage issues
- KK shows the members the plans and photographs and states that the Commission requested for the applicant to come back showing how the drainage will be corrected--the stormwater system is in violation and the clearing limits changed.
- DB questions how this can happen, the project is very different than what was approved. There is work in the 25-foot buffer zone. He questions who was the contractor that did a field change.
- M.Loin states that Ciesla Construction did the work and it appears that the basin was excavated too deep and ground water is collecting in the basin. He reviews the plans with the Commission and states that the outlet will be cut back and restored and a forebay is proposed.
- B.McClurg states the water in the basin was tested by Lycott to be iron oxide, not sediment.
- M.Loin states that currently there is no standing water in the basin. Fill needs to be added to raise the bottom of the basin.
- DB states that he is concerned with all of the changes. He believes that an Amendment is needed.
- M.Loin states that the water table has changed. Development uphill has caused the water table to change from when the project was designed. DB states that he does not think that is likely. He states that there is a problem with either the engineering or the construction, or maybe both.
- KK states that the basin is retaining water, maybe it is not the right place for a detention basin--ground water level too high.
- M.Loin states there is no other place for the basin and B.McClurg states that the bottom level of the basin needs to be out of the ground water.
- DG states that she is concerned with the tree clearing so close to the wetland. There needs to be mitigation.

FINAL approved 12/7/06

- DB states he has a concern with the failure of the Engineer design. He feels they need to redo the calculations for the drainage.
- FD states that it is obvious that the project was a failure
- EG motions to require a former Amendment to the Order of Conditions, DM seconds. All in favor: 5/0.

4) Update of the Pilot Emergency permit and NOI filing

M.Loin present and states that he would like to update the Commission on the Pilot situation. The reason why the culvert failed was because of the construction during the hotel access road being built. The material backfilled in the hole was not good--boulders. A section of the pipe was undersized. The NOI is to be filed within the next couple of days. He states that the contractors on site did a good job and the pipes that have been installed a much better. He states that he does not believe Phase II is necessary.

12:15 PM Meeting Adjourned