

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday, November 2, 2006

7:02 PM Open Meeting

Members present: Dave Barnicle (DB) Chairman, Dave Mitchell (DM), Ed Goodwin (EG), Donna Grehl (DG), and Frank Damiano (FD) (FD Arrived at 7:08 PM).
Kelly Kippenberger (KK), Conservation Agent

Zoning Study Committee Update

DG states that the Zoning Committee is in the process of discussing lot sizes within the different zoned districts. The proposed changes were presented to the Board of Selectmen and will be on the Town Meeting Warrant.

Minutes Approval

DG motions to approve the 4/20/06 minutes as written and reviewed, DM seconds. All in favor: 4/0.

7:06 PM Appointment: 18 Cedar Lake Drive VIOLATION

- E. Evensen is present for discussion
- KK states the last time she visited the site was 10/25/06. The Violation Letter went out 10/17/06; the Building Inspector issued Stop Work on 10/20/06. The work observed includes: excavation around the house for foundation and footings within 10-feet of the lake. The property owner submitted information on 10/26/06. Her recommendation is to issue a formal Enforcement Order with the requirement of submitting a NOI in two weeks or fines. (FD arrives at 7:08pm)
- DB states that all work done so far on the property was done in violation of the MA Wetland Protection Act. He questions who installed the erosion controls.
- E.Evensen states that the silt fence was suggested by his neighbor, but he is the one who installed the silt fence. The hay bales were installed by a contractor. He thought the work was covered under a previous roof permit issued by the Building Inspector, Mark Lev. He did not realize he had to get new permits.
- DB questions if the silt fence is dug into the ground and E.Evensen states it is staked in, not toed into the ground.
- SCC members read over the 10/26/06 Letter submitted by E. Evensen
- E.Evensen states that the basement slab is already poured and DM questions if the foundation poured is the exact footprint of the existing house. E.Evensen states yes, no expansion.
- DB states that if E.Evensen had come before the Commission to build a house in the same location, the Commission could not allow it because of the local bylaw.
- E.Evensen states that there is no heat or water in the house. He knew he had to replace the eroding oil tank and when he pulled out the stairs, he realized that additional work needed to be done.
- DB questions why he didn't contact the Town Hall to see if he needed permits.
- FD states that the work was done in violation and that the Conservation Commission has lost the opportunity to comment on the project through the permitting process.
- EG questions why new sonatubes footings have been installed. E.Evensen states the footings are for a new deck. EG questions if the house is lived in year round and E.Evensen states not now. He is looking to have a tenant move in for the winter, that is why the heat and water needs to be fixed.

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- DG questions the water level of the Lake and E.Evensen states water never gets into the basement.
- EG states that an Enforcement Order needs to be issued. E. Evensen states that he would like to get approval to close the basement with blocks, he needs to install the water line and oil tank. He plans on having a tenant live in the house over the winter, the tenet was to do the work and get repaid by living there.
- SCC members question KK's thoughts on the project. KK states that she has issued a Stop Work letter and informed E. Evensen over the phone that a NOI needs to be filed. E.Evensen recalls conversations with KK and states that he has already started pulling together the NOI package. He questions if there is any thing technical with the NOI process. KK states that it is a public hearing, there are fees associated with it, a copy needs to go to the DEP--it is a technical process with a lot of paperwork and instructions are included with the NOI Form Packet. She also states that the property is within mapped Natural Heritage habitat.
- FD states the plans need to be stamped and that this project is a serious endeavor being taken casually.
- DM Motions to issue an Enforcement Order and to submit a NOI in two weeks.
- SCC members continue the discussion. E.Evenson states he needs to close the house and get the utilities in. He will not build the decks. He also does not know where to get an Engineer.
- FD states that if the NOI can not be done in two weeks, then it will need to be confirmed by the Engineer.
- DB states that fines will start if the NOI is not submitted. It is our job to administer the state regulations and all the work was done in violation of the regulations.
- DM states that an NOI can be submitted just to finish what he has started, it does not have to include other proposals like the deck. EG agrees and states that it also should include cleaning up the debris and stockpiling.
- DM amends the motion to issue an Enforcement Order and require a NOI to be filed by 11/16/06 or fines will start. An extension to the NOI submittal deadline can only be requested by an Engineer. DG seconds the motion. All in favor: 5/0.
- E.Evensen states the house is open and there is no heat or water and a tenant is coming in for the winter.
- EG states that he is not judging him but the commission's job is to protect the lake and the problem is that the project has already started without proper permits.
- KK suggests more hay bales are needed for the project and the property needs to be cleaned up. Also, someone did call complaining of work being done at night. E.Evensen states that the work being done at night was him cleaning up the area in order to install more hay bales.
- DB states that there is a 25 foot no touch and a 50 foot no build protection zone from the Lake. The new footings are in violation and can be torn down.
- DB states he wants notification by the Engineer if the specification can not be met by the deadline.

7:33 PM Appointment: J. Paquin to discuss Stallion Hill property.

- No one present for discussion
- DB states that he spoke with J. Paquin and he requested to come in and talk to the Commission about a potential project on the Stallion Hill River property. He questions the members if they want to allow the discussion and EG states no, he feels there needs to be a resolution of the DEP clean up prior to any development discussions.
- All members agree.

PUBLIC HEARING

NOI CONTINUED from 9/28/06: DEP 300-718 for Woodside Circle and 31 Caron Road, Proposed Sewer line construction. Tighe & Bond representing the Town of Sturbridge

DB opens the Public Hearing at 7:37 PM

Present: D.Prickett of Tighe & Bond

Discussion:

- DM recuses himself as an abutter.
- KK states that the SCC Members visited the property on 10/28/06 and she visited on 10/27/06. She has no issues with the project. The cross country run that connects Woodside Circle and Caron Road is the only area of concern. Tighe & Bond submitted additional protection measures on 10/31/06. She recommends approval of the Order of Conditions with Special Conditions referring to the protection measures.
- EG questions if the town has secured the right of way for the sewer line.
- D.Prickett states there is an outside chance that the project could be changed to extend down Westwood Drive to three or two more residences.
- DM (abutter) questions what would happen if the Westwood Drive extension occurs. D.Prickett states that the Caron Road cross country run could be eliminated.
- DB questions what the purpose of the cross country route and D.Prickett states the pressure line.
- DG questions if there will be any mitigation for the trees and D.Prickett states they will avoid cutting trees wherever possible.
- FD Motions to approve the project plans with special conditions, DG seconds. All in favor: 4/0. KK states that the special conditions will be related to the additional protective measures.

Hearing closed and approval Order of Conditions to be issued.

7:44 PM Site Walk Updates

- 10 Mt Dan Letter Permit for Wall Repair
SCC visited on 10/28/06. Members agree with Letter Permit approval
- 166 Lake Road Letter Permit for Wall Repair
SCC visited on 10/28/06. Members agree with Letter Permit approval
- 206 Hemlock Path Inspect Plantings
SCC visited on 10/28/06 to inspect plantings. DB states that the placement of the plants was great and the area where the woodchips were looked good.
- The Preserve
KK states that her and DB visited on 10/31/06. KK states that the stockpile area breached the erosion control--documented by A. Allen. There is no evidence of sediment discharge at the detention basins. DB states that one of the storm drains did not have a silt sack. KK states that she is working with A. Allen and C. MacGregor to get additional erosion controls.

PUBLIC HEARING

NOI CONTINUED from 9/28/06: DEP 300-693 for 84 Westwood Drive Lot 1. Proposed Single Family House, Robida Engineering representing Choinski Construction.

Hearing scheduled for 7:50pm. At 7:51 PM, no one present for discussion. DM suggests to suspend action until 8:09 PM. Members Agree.

7:52 Other Business

- Sign Permits
- Discussion of 53 Bushnell Road Emergency Septic System Repair
KK states what was issued was an emergency septic system repair for 53 Bushnell Road. The court order the system to be installed by 11/17/06.
- Discussion of Public Land Revolving Fund
DM & DG have minor grammatical edits
EG Motions to accept the Public Land Revolving Fund Article as written with minor edits,
DM seconds. All in favor: 5/0.

PUBLIC HEARING (reconvened from earlier)

NOI CONTINUED from 9/28/06: DEP 300-693 for 84 Westwood Drive Lot 1. Proposed Single Family House, Robida Engineering representing Choinski Construction.

- At 8:09 PM, no one present for discussion
- EG motions to close the hearing without prejudice, DM seconds. All in favor; 5/0.
- KK questions to the commission if they want to issue a Denial Order or request a new NOI.
- DM states no, that the project had fundamental changes that weren't clear (Lot changes and property owner changes) and makes a motion for KK to write a letter to the Applicant informing that the hearing is closed a NOI to be filed, EG seconds. All in favor, 5/0.

PUBLIC HEARING

NOI CONTINUED from 10/5/06: DEP 300- 712 for 69 Paradise Lane (Lot 1), Construction of a single-family house. Allen Engineering, Inc. representing Snowflake LLC

DB opens the Public Hearing at 8:12 PM.

Present: M. Allen, Allen Engineering
J. Schmitz
abutters

Discussion:

- KK states at the last public hearing on 10/5/06 the applicant submitted a revised plan showing slope stabilization and siltation collection pond. Additional information was submitted on 10/23/06 and was distributed to the SCC members. The new information includes the history of the lot, alternative access information and a Storm Water Operation and Maintenance Plan. On 11/1/06, KK provided the applicant and the commission with her outstanding questions. This project includes the reclassification of a stream, the construction of a driveway within the 25 and 50 foot buffer zone and the house is just outside of the 50 foot buffer. KK states that

one of her main comments is that no mitigation is proposed for the work in the local buffer zones. An abutter did write to the Commission of a concern related to the driveway proximity to the property line--not within the Commission's jurisdiction.

- M.Allen states that only one lot has been sold since the local wetland bylaws in 2002. He refers to a plan with a date of 1929 to show the members when the lots of Paradise Lane were formed.
- J.Schmitz gives a briefing of the information submitted with regards to the potential vernal pool in the rear wetland. After a recent heavy rain there was no water present. She proposes that standing water is not present for long due to contours of the land. No facultated species of a vernal pool were present and the area is a mineral soil--not much top soil.
- KK confirms that the area in question is near wetland flags 200-209.
- DB states that when the members visited the site, he agreed that it could be a potential vernal pool. He questions if earth worms were found and J.Schmitz states yes.
- FD suggest to change the wording in the Operation & Maintenance Plan--change minimal to maximum. His biggest concern is that it is unlikely that the homeowner will maintain and clean. Members discuss the operation and maintenance plan
- FD also adds that concrete bollards should be installed for permanent markers.
- J.Schmitz states that the homeowners will benefit from keeping the stone swale clean. By maintaining the swale and basin, the driveway will not flood.
- DM states that his concern is the ability of the plantings along the driveway to control the erosion. He questions how much loam will be needed. He questions why there are no plantings on the west side of the driveway.
- M.Allen states that there will be a minimum of six inches of loam and hydro seeding to take place in the spring on the west side of the driveway. This driveway is to be pitched, so the west side is higher than the east side of the driveway. DM states that long term establishment of the plantings is crucial.
- M.Allen states that the long term establishment will be lawn on the 4:1 slope.
- J.Schmitz states that the slope will be graded late spring and the lawn will grow in the summer. She shows photographs of an example of a 2:1 slope with clover mix.
- DM states that timing of hydro seeding is important. DG states not to use fertilizer within the 100 foot buffer zone and the slopes are to be left in a natural state.
- EG questions why can't the driveway be moved away from the wetland, it needs to be moved out of the 25 foot buffer zone.
- M.Allen states as they get closer to the property line, it gets steeper and it will create a steep slope on both sides of the driveway--more cut into a hill.
- DG questions if G. Morse should comment on the drainage problems near the driveway.
- DB states that he has witnessed slopes collapse during construction--one of his major concerns. He questions if the culvert at the driveway is on property. M.Allen states the culvert is within the Paradise Lane right-of-way.
- A. Johnson (abutter) questions clarification to where the culvert is located. M.Allen states it is within the right of way of Paradise Lane.
- There is a brief discussion on the location of the culvert whether in the right of way of road or on the subject property.
- B.Gran (Abutter) states that due to recent development a lot of the Big Alum watershed has been lost. His concern is the impact on the lake as a result of the project and he believes the development of this one parcel will have a big impact.

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- T.Chase (abutter) states his concern is the removal of trees and volume of water down the driveway and the salt and sand.
- M.Allen states they have added significant erosion controls since the start of the project. He states that the property owner will maintain the roadway culvert
- At this time, there is a discussion of Storm Water Management.
- J.Schmitz states that DEP does not require a Storm Water Management Plan for one lot. DB states that it is site specific for this project.
- T.Chase states there is a liability of heavy equipment on the slopes.
- FD questions if there should be a bond in place in case the Lake is impacted.
- T.Chase states that the Lake could not be treated this year and the Lake association is working on cleaning the Lake. FD states that the project should have no impact on the Lake. The Commission is concerned with the slopes and the stream.
- DM questions where is the roof run-off going and M.Allen states that the roof lines are split.
- DB states that the commission is concerned with the site and recharge of the lake; he wants to make certain that clean water goes into the lake.
- B. Sanderson (abutter) questions what does the reclassification of the stream do. KK answers that Riverfront Area, a resource area is not on the property if it is an intermittent stream. M. Allen briefly explains the performance standards for Riverfront Area.
- DB questions what if the contractors hit a spring. M. Allen states that it may be a possibility.
- EG states that the driveway to be re-staked for the site walk. KK requests that the detention basin is also staked.
- DG states to get the patio out of the 50 foot buffer zone and to revise the plans to show the bollards at the 25 foot buffer zone.

Hearing continued December 7, 2006 at 9:00 PM. Revised plans to be submitted.

PUBLIC HEARING

NOI CONTINUED from 10/5/06: DEP 300-714 for 120 Lane 10, proposed house demolition and construction of a new house. Green Hill Engineering, Inc, representing Vizards

DB opens the Public Hearing at 9:13 PM.

Present: D. Vizard

M. Farrell, Green Hill Engineering

Discussion:

- KK states that revised plans were submitted on 10/31/06 that included tree information and additional erosion control notes. At a previous hearing the Commission approved the location of the house. Outstanding concerns include a high potential for erosion with pre and post construction of the access road. Members also expressed concern with use of the construction access as a driveway.
- M.Farrell states that the project includes daily erosion controls to be monitored.
- EG questions if there is permanent access to the house and DG notes that the plans now label the access as a proposed driveway.
- D.Vizard states that he will not encourage oil trucks and other large trucks to use the access as a driveway. He proposes to use the construction access as a gravel drive to be used with a utility vehicle. DG states that she believes the drive will be used, for groceries etc. She is

concerned with the disturbance of the slope. D. Vizard states that he plans on only using the drive with a utility vehicle—like a golf cart or a tractor. DG states that the access drive should be restored to current conditions.

- M.Farrell states that the driveway will be monitored. He states that the driveway is at an 18% grade and it will be stone.
- EG shows concern for the steepness of the access drive. He states that an 18% grade is in violation of the Town's bylaw. FD states that after construction, the access drive should be returned to the way it is now
- DM questions how it is to be a temporary construction access path, how will it be restored. He suggests vegetation to be planted or bollards to be installed. D.Vizard states that they plan on leaving the access as it is after construction.
- FD states that the project is grandfathered since there is a house present, but if there wasn't a house—the new house would not be allowed.
- DM states that the access should be temporary. If the access is to be permanent, then he does not support the house location. D. Vizard states that he does not intend to use the driveway—it is only a safe egress for a utility vehicle like a John Deer tractor.
- EG states that a 18% slope on the Lake is hard to maintain. He believes that the applicant should have construction access to the house location, but then the access must be restored.
- KK questions how to enforce a temporary access. The Commission can write it in the Order, but how is it enforced long term?
- DG questions the new roof run-off and M.Farrell states that the soils are sandy and dry wells can be installed. Currently, there are no signs of erosion. DG states that when the tree canopy is cleared, the runoff and erosion will greatly increase.
- DB suggests a perimeter drain with pea stone around the house and D.Vizard agrees.
- M.Farrell states that all trees are to be stumped. KK states that no stockpiling is allowed, therefore dump trucks will be traveling down the construction access drive when digging the foundation.
- There is a brief discussion of water infiltration. M. Farrell reviews the proposed improvements to Lane 10. KK states that the garage for the house and parking is located off Lane 10—it appears that there has never been vehicle access directly to the house.
- DB states that for construction phasing, the infiltrator needs to be installed first. D. Vizard states that the infiltrator will help the erosion problems in the parking area.
- DM states that he really would like to see the construction access be maintained as a path after construction. DG agrees and states that mitigation needs to be done and trees need to be planted.
- KK states that she will check the regulations for the driveway slope. DB states that revised plans are to be submitted showing the perimeter drain and access drive mitigation details.

Hearing continued to December 21, 2006 at 7:30 PM pending revised plans. Applicant agrees.

PUBLIC HEARING

NOI for DEP 300-720. Proposed cul-de-sac roadway and drainage for a 5-Lot Subdivision at 12 & 30 Farquhar Road. Bertin Engineering Associates, Inc. representing The Spaho Corp.

DB opens the Public Hearing at 9:40 PM.

Present: H. Blakeley, Bertin Engineering
Abutters

Information Submitted: Green Cards and Newspaper to open the hearing

Discussion:

- KK states this is the first hearing of the project. This project is on the same property as DEP File Numbers 300-583 (condos) and 300-672 (SFH on Lot 1 of Roms). The project is currently being reviewed by the Planning Board—hearing on 11/14/06. The NOI was submitted for the work associated with constructing a cul-de-sac and Storm Water Management System for a 5-Lot subdivision. The construction of the individual houses will be filed separately and will have separate Orders. The NOI was submitted to Natural Heritage, no response to date. Greg Morse from the DPW has outstanding concerns to be addressed during the planning process. Jean Bubon, Town Planner will be providing comments to the project as well.
- At this time, KK recommends that the Commission receive an initial presentation from the Applicant and that the hearing is continued in order to receive additional information. She reads the 11/2/06 letter from abutters (listing concerns).
- EG states that the property is within a critical Biocore habitat.
- H.Blakeley agrees and states that the property is a 24 acre parcel to be sub-divided into 5 single family house lots. Lots are in compliance with the Bylaws and are designed to minimize impacts. Parcel B consists of 11 acres, which is under negotiations to give to the town as Open Space.
- SCC members review the ANR plan for the subdivision of the parcel.
- DM states that development on Lot 60 Farquhar Road would create a hardship for crossings.
- EG states that he would like to review the entire project as a whole—lot construction and road construction. He does not like reviewing just a roadway, the SCC has been tricked on similar projects. DM agrees and states that Chase Road is an example—the SCC issued a permit for a cul-de-sac for single family house lots and now there is to be a large development off the cul-de-sac.
- EG motions not to accept the project as filed without all the information for the houses. The hearing should be closed and the applicant should re-file. He also adds that Lot 2A does not have enough frontage.
- KK shows the members the Clearing Limit plan and explains the reasoning behind filing individual permits applications for each house lot. Having one permit for the entire development may cause issues with Certificate of Compliances, project Amendments etc.
- DM questions the location of the lots and the close proximity of the wetlands. EG states that the members should review the entire project under one permit, consistent with other boards.
- DB reminds members that there is a motion on the floor.
- DM seconds the motion made by EG.
- KK summarizes the motion. All in favor: 5/0.
- H.Blakely states that the project plans will not change. EG replies that it should not be difficult to re-file.

Hearing closed and additional information must be submitted to re-open the hearing.

PUBLIC HEARING

RDA for SCC 06-39. Septic system repair at 77 Farquhar Road. Gobi Land Engineering representing L. Lataille

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DB opens the Public Hearing at 9:58 PM.

Present: R.Chaffee, Contractor

New Information Submitted: KK states that Green Cards and Newspaper were received on 10/30/06.

Discussion:

- KK states that this is the first hearing on the project. She visited the site on 10/31/06 (shows members the photographs) and has no issues with the project. The project is a septic system repair for an existing house. The repair work is within 100-feet of a wetland and a pond across the street. If the erosion controls are installed and maintained, then there should be no issues. A clearance letter from Natural Heritage was received on 10/26/06. She recommends a negative determination with conditions to maintain the erosion controls.
- DB states that if KK has no issued with the septic work, then he has no issues.
- EG motions to issue a Negative Determination and that KK should add any appropriate conditions, FD seconds. All in favor: 5/0.

Hearing closed. Negative Determination to be issued.

PUBLIC HEARING

NOI CONTINUED from 10/19/06: DEP 300-684 for Demolition and reconstruction of a house and installation of a septic system at 80 & 118 Leadmine Lane. Jalbert Engineering representing the applicant, G. Pinto

At 10:03 PM Applicant/representative present at Town Hall, but not present in the hearing room. Hearing was postponed until Applicant/representative present in room. SCC members agree to start discussion Other Business items.

10:03 PM OTHER BUSINESS

1. Discussion of the Sanctuary (DEP 300-470) and the Highlands (DEP 300-466)
 - T. Moss present
 - KK states that the Sanctuary permit expired 9/3/06 and Highland permit expired 9/6/06. Fines were sent to T.Moss this week for lack of response to the SCC. T. Moss submitted an inspection report today for the Highlands. He is to provide an update to the Commission tonight regarding topcoat installation at the Sanctuary. Members agree to discussion the Sanctuary first.
 - DB states that the Sanctuary does not meet the Storm Water Policy if top coat is not installed. Water is bypassing the catch basins and not entering the stormwater management system.
 - T. Moss apologizes for not getting back to the Commission sooner. He also states that there has not been a run-off problem. Not all catch basins are bypassed and if any water does bypass the basins then it enters the system off Arnold Road. He submits a letter stating the topcoat will be installed on 11/10/06.
 - DB states that the SCC did not receive a response from him, so he was fined. He feels that T. Moss was ignoring the paperwork.
 - SCC Members agree if topcoat is not installed by 11/10/06 as indicated, then fines will start again Monday 11/13/06. KK to inspect. T. Moss agrees.

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- Members agree to discuss the Highlands project
- T.Moss submits a colored drawing showing the status of the project. He reviews which lots have construction and which lots are complete. EG questions if final pavement is down.
- DB states that when he did an inspection, it appeared that the stormwater was contained on property and there was not a water problem. T.Moss states that the system is not working 100%, but is working fine. He requests an Extension to the Order of Conditions. KK reminds the members that the permit is currently expired and that an extension is supposed to be requested prior to expiration. T. Moss states that the expiration is an oversight on his part.
- EG states he does not have a problem with the Extension.
- FD motions to approve a one year Extension from September 2006, DB seconds. KK to request monthly reports. All in favor: 5/0.

PUBLIC HEARING

NOI CONTINUED from 10/19/06: DEP 300-684 for Demolition and reconstruction of a house and installation of a septic system at 80 & 118 Leadmine Lane. Jalbert Engineering representing the applicant, G. Pinto

**Applicant/representative now present. Hearing reconvene from earlier
DB opens the public hearing at 10:19 PM**

Present: G.Pinto

G. Logan, REMA Ecological

Discussion:

- KK states since the last hearing the members were to review the environmental report dated 9/1/06 by REMA. She sent a review memo to the Commission on 10/30/06 with her comments. One correction to her memo is that the septic system area was “re-perc” in April 2006. The project drawings include a general project plan, an alternative alignment plan and a conservation plan. KK shows the members that project plans.
- DG questions the alternatives to the project and if a letter from the abutters was ever received stating that he did not allow the crossing of his property. G.Pinto states that the abutters will not agree to sign any type of paperwork.
- FD questions why the new house is within the 50 foot buffer. DB states that the new house is considered new construction and the local buffer zones must apply—25-foot no touch and 50-foot no new structures.
- EG states that this is a sensitive project and he is impressed with the environmental work so far. He would like to see a bond for remediation in the area of the septic line.
- EG expresses concern for the house size. The new house should be either on the existing footprint or out of the local buffer zones completely. He states that it should be a smaller house. DG agrees.
- KK reads the 50-foot waiver requirements from Section 1.1 of the local wetland regulations.
- DG questions where is the 2 to 1 mitigation and DB suggests planting (Cotton Easter).
- G. Pinto states that he is confused with commission’s concerns. He thought everything was under control. KK states that she has shown concern for the 50-foot buffer since the very beginning of

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the project. First, the commission had to work out concerns with the septic line, and now the Commission is trying to work out their concerns for the house work.

- SCC members discuss possible mitigation for the 50-foot buffer zone.
- G. Logan suggests restoring the stream channel and removing any sediment. He states that the stream crossing at the roadway is a problem. G. Pinto agrees to providing the stream with restoration. DM states that if any restoration is to be done, it will have to be submitted to the commission for review. He states that the applicant should be creative in the restoration and mitigation. An alternative is a performance bond, the applicant should come up with an amount and justify.
- DG questions the runoff from the house, she suggests plantings between the house and the Lake. Members discuss the existing vegetation near the Lake.
- DB states that the hearing should be continued to allow the applicant to address the Commission's concerns. Applicant agrees.

Hearing continued to 12/21/06 at 7:50PM pending additional information.

10:56 PM OTHER BUSINESS

(DM leaves meeting at 10:56 PM)

Hinman Street request for Certificate of Compliance. DEP: 300-70

- D. Toomey (representing the Purchaser) and J. Concilio (representing the seller) both present
- KK states that the Certificate request was submitted on 10/20/06 with an As Built. The Order of Conditions was issued in February 1985 for the construction of an apartment building, installation of a culvert for a stream and an emergency spill way for a pond. KK and DB visited the property on 10/31/06 and have some concerns since the pond no longer exists and there is no proof that a leaching pit for stormwater was installed.
- KK states that this is an unusual circumstance because the permit was issued 20 years ago. There is really no way to certify that the work was done in compliance, as the property has changed over the years
- SCC members review the As Built and the original plans.
- DB suggests a Certificate of Compliance stating that the basin was not found in 2006.
- D.Toomey states that there are no gutters on the building, so most likely the leaching pit was not installed. DB states that there appears to be no erosion issues from the roof runoff.
- D.Toomey states that the bank will not allow the close of the property unless a Certificate is issued.
- KK mentions the cut in the stream channel bank—slight erosion problem. SCC members state there is nothing to really be done at this point.
- DB motions to issue the Certificate of Compliance with a statement that a determination cannot be made on the work near the detention pond and the leaching pits. FD seconds. All in favor: 4/0.

Discussion of Revised Plans submitted for 101 Cricket Drive, DEP 300-646

- KK states that the revised plans were submitted 10/24/06 that relocate the driveway and minimize the grading. It appears that a leaching pit is to be removed also and the retaining wall

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can be relocated. SCC members need to decide if an Amendment is required or a Letter approval for changes is okay.

- Members agree upon a site walk prior to making a determination.

Discussion of Leadmine Lane FCP

- KK and DB visited the property on 10/31/06 (photographs). They are waiting for an Amendment from the State Forester and then the Board of Selectmen will have a hearing for the changes. KK and DB have concerns regarding access to the cutting area.
- Members agree that KK should write letter with concerns and send to the Board of Selectmen, State Forester and property owner.

11:35 PM Meeting Adjourned