

## **STURBRIDGE CONSERVATION COMMISSION Meeting Minutes for Thursday, December 7, 2006**

### **7: 04PM: Open Meeting**

Members present: David Barnicle (DB) Chairman, David Mitchell (DM), Donna Grehl (DG) and Frank Damiano (FD) at 7:28PM  
Kelly Kippenberger (KK), Conservation Agent

### **Zoning Study Committee Update**

DG states that the Committee has been meeting for 18 months and have not accomplished much. The committee is re-evaluating and picking apart the Zoning regulations. It has been a slow progress.

### **Site Walk Updates**

KK updates the Commission of the DEP site walk held on 12/6/06 at the Howerton property (appeal for DEP 300-698). KK states that DG, herself, DEP representative, E. Neal and L. Jalbert were present. She feels the walk was informative but the DEP will make their decision on the Regulations. KK states that she is sending out the project file to Town Counsel for the bylaw appeal.

### **7:10PM Approval of 9/28/06 Minutes**

DM motion to approve the 9/28/06 minutes with minor edits, DG seconds. All in favor: 3/0

### **7:11PM Walk-In Appointments**

#### 1) Arnold Road Violations

- V. Southall present for discussion, resident of 31 Arnold Road.
- KK states that an anonymous complaint was received about activity occurring near a stream behind houses off Arnold Road, witnessed from St Anne's Cemetery. On 11/21/06 KK viewed the violations from St Anne's Cemetery and sent letters to 19, 29 and 31 Arnold Road (KK shows members the photographs). The violations included clearing of trees and brush at the stream and possible stream crossings and culverts installed. KK states that she has spoken with the residents of 31 Arnold Road and he is present to inform the Commission of what they have done on their property near the stream—vegetation clearing and brush stock piling.
- V. Southall states that the brush pile is 31 feet from the stream. The trees were cut about 7 years ago. He shows the members photos from 29 and 31 Arnold Road. He admits to cleaning the stream--gravel into the stream from the development up the hill (The Highlands). Driveway crossing been there for years and is on 19 Arnold Road. He states that the owners recently rebuilt the crossing as it was damaged from the heavy rains.
- V. Southall states that the stream crossing at 29 Arnold Road was done within the past 7 months. There was always a right of way over the stream but it was a footpath with rocks.
- KK states that she has pulled the property deeds and as far as she can see, there are no easements to the cemetery
- DG states that she is concerned that there are problems from the development up the hill. V. Southall states only when it rains.
- KK states that the owner of 29 Arnold Rd lives in Florida and she spoke with her on the phone. She has relatives living in the house and she has always maintained the stream flow by cleaning

out the ferns etc. KK states that she told the owner that there is a difference between maintenance and disturbance, can only pick up dead vegetation, cannot clear live vegetation.

- DM questions where the stream comes from. KK refers to the topographical map--intermittent stream that eventually goes into the Quinebaug.
- V. Southhall requests to add fill, grind stumps and seed. He states that he knows about the 25-foot no touch buffer zone. KK states that a permit application would be needed.
- DB states that a site visit is needed. Members agree to visit the properties.

### **FD enters the meeting at 7:28pm**

#### 2) 376 Main Street Enforcement Order

KK informs the members of the Enforcement Order issued at 376 Main Street on 12/4/06. Excavation occurred over the weekend---no erosion controls and it appears that some sediment has entered the stream/wetland area associated with Cedar Lake outlet. KK revisited the property on 12/6/06 and erosion controls have been installed. EO requests NOI to be submitted by 1/4/06. Building Inspector also issued Stop Work---no permits. KK shows members the photos. DB states that the members shall sign the EO

### **PUBLIC HEARING**

NOI for DEP 300-724: Septic system repair and stormwater reroute at 31 Bennetts Road. Jalbert Engineering, Inc. representing J. Dulka

### **DB opens the public hearing at 7:32PM**

**Present:** L. Jalbert, Jalbert Engineering

**Information submitted:** KK receives the green cards and newspaper advertisement to open the hearing.

### **Discussion:**

- KK states that this is the first hearing on the project. She and DG visited the property with Jalbert Engineering on 12/6/06. The project includes installing a conventional septic system on a property that currently has a tight tank. The house was re-constructed with an Order of Conditions issued 4/17/03, DEP File No. 300-529. Her concern includes installing the system within an area of stormwater drainage and high ground water (she shows the members site photographs). The project includes re-routing the water---however at the site walk, there was no flow from the culvert under Bennetts Road and there was evidence of high groundwater. Wetland plants exist in the area, but the area was not previously flagged as wetland. Additionally, there are discrepancies from the approved house plans in 2003 to what is existing---circular driveway. Major concern is alternating the hydrology and ground water to the Lake and also she questions if the proposed work need to be done since there is a tight tank. As far as she knows, the Board of Health has not approved the project yet.
- L.Jalbert goes over the plans with the Commission. He states that the culvert comes from a catch basin. There is a pipe at the edge of lake that used to discharge water, however the pipe has been discontinued, and the swale has been dug. There is a concrete abutment adjacent to the house that is blocking the groundwater.
- KK questions if the swale was dug when the house was being built. L.Jalbert states that he has no idea when the work was done
- L.Jalbert states that there has been multiple projects in the area and the wet area has never been declared as wetland through other filings

- DM questions the location of the “perc” test. L. Jalbert states that it was done at edge of driveway (northerly edge)
- L.Jalbert states that no comments from the Board of Health have been received yet. A consultant visited the site today to evaluate an infiltration system that can be put in within 2-feet of groundwater.
- DB questions how is it better for the Lake to go from a tight tank to a conventional system
- KK questions if the existing system is failing? L. Jalbert states that it has been years and it has not been pumped out. Maybe as much as 10 years. L.Jalbert states that the owners contacted his office to do a perc test for a conventional system
- L. Jalbert states that the difference between the tight tank and the conventional system is that with the system, clean ground water is being discharged back into the ground. There is no net loss of water with the system and with a tight tank, there is a 100% net loss of water.
- FD questions if KK agrees with wetland delineation. KK states that no wetlands are delineated, the project plans only show the Lake as the resource. KK states that the swale has been channelized and there is high ground water present. DG states that a lot of water is present
- J. T. Dulka the property owner (estate) is present.
- DM concerned that ground water is close to the surface. He states that the houses built around Leadmine Lake in this area were built on fill
- L.Jalbert states that during the perc test, there was soil mottling at 27 inches
- DM questions the location of the abutting wells. L. Jalbert states that the property south is assumed to be receiving water from the Lake
- FD questions the maintenance requirements of the new system. L.Jalbert states that at a minimum the system should be checked every few months
- FD states that he is amendable to put in a standard system, but questions why the tight tank was not pumped.
- Members discuss the maintenance of the system. L.Jalbert states that the filters in the system will need to be replaced. FD need insurance that maintenance will be done.
- DB need to visit the site.
- JT. Duluka states that he has owned the property since 1964. The swale has always been there in the same location and the catch basin is maintained by the lake association. He states that when the house was being rebuilt, the contractor dug a hole lined it with rocks.
- DB questions how did the driveway became circular. JT. Dulka states that dirt from the house construction was left there and started parking there.
- DG questions why the pumping of the tight tank is not getting done. JT. Dulka states that it has been pumped, check with Slims. DM requests records that the tank has been pumped
- T. Chamberland (abutter) states that he is representing the Bennetts Road Committee. He questions why the plan does not show the right of way drive to the Lake. He is concerned that the raised system will create a flooding issue on the road. Currently, the association can maintain the swale area--the raised system may not allow access for maintenance of the water. There are no construction details for the new piping and no standards for the new pipe. He states that the catch basin consists of a series of dried laid stone, there should be a sump in the basin. He would like to see details of the new piping etc.
- L.Jalbert requests a continuation of the hearing.
- DB states that a site walk is necessary. KK states that revised plans should be submitted. DB states a site walk first and then they will take in consideration the abutters comments.

*Hearing continued to 1/4/07 pending a site visit. Applicant agrees.*

## **PUBLIC HEARING**

NOI for DEP 300-722: Construction of a garage at 110 Leadmine Lane. Jalbert Engineering, Inc representing S. Diane

### **DB opens the public hearing at 8:04PM**

**Present:** L. Jalbert, Jalbert Engineering

**Information submitted:** KK receives the green cards and newspaper advertisement to open the hearing.

### **Discussion:**

- KK states that this is the first hearing on the project. She and DG visited the property with Jalbert Engineering on 12/6/06. The project includes constructing a garage near the 100-foot buffer to Leadmine Pond and wetland. Abutters have contacted the office and have shown concern for the close proximity of the project to the 10-foot right of way (see photos). From an environmental standpoint, there are not too many issues with the proposal. There is a small swale that may carry runoff, and there is a lot of stock piling on the small property—boats, trailers. With erosion controls, she does not anticipate any issues.
- L.Jalbert goes over the project and states a 12 x20 garage with a loft and a turn around is proposed. The area of the garage is crushed stone--there is a small swale when it rains, but it is not channelized. He states that excavation for the frost wall is needed but no stock piling on site. The garage will be about 1 foot away from the retaining wall
- DM questions the drainage from the hill. L.Jalbert states that any water will infiltrate through the stone
- DG very large tree is located on the property--should not be cut down. L. Jalbert states that vegetation removal is not necessary
- DB questions if the driving area is to stay crushed stone. L.Jalbert responds yes.
- FD questions the roof runoff. L.Jalbert states that the garage will generate very little runoff.
- D. Harris (abutter) states that their primary concern is access to their property. He questions the scheduling of the construction. L. Jalbert states most likely springtime. D.Harris states that they experience difficulty getting to their property with the parked camper, boat, and trailer. His property is lower in grade and there is a tendency to get runoff. Silt ran down the property when the well was put in, he is concerned with runoff from the roof.
- DB questions L.Jalbert if there will be additional runoff from the garage. L.Jalbert states no, all runoff will be absorbed into the ground.
- FD states that the right-of-way is to remain 10-feet. D.Harris states that he is concerned about access to his property during construction
- D. Lequire (owner) states that June will be construction.
- KK states that a building permit is needed as well.
- D. Lequire states that the runoff is from the artesian well
- DB states there really isn't anything the commission can do as far as the easement. The commission deals with the water resource and the wetlands. The good neighbor policy should be in effect.
- D.Harris states that he is concerned with emergency vehicles. DB states that he understands his concerns, however the garage is not in the right of way. If he has questions, maybe he can talk to the DPW Director.
- FD makes a motion to approve the plan as presented. DG seconds the motion

- KK states that conditions should be no vegetation removal, no stock piling, and erosion controls cannot block the right of way. FD amends his motion to include the conditions. All in favor: 4/0

*Hearing closed and approval Order of Conditions to be issued*

## **PUBLIC HEARING**

NOI for DEP 300-721: Septic system repair at 46-48 Goodrich Road. Jalbert Engineering, Inc. representing R. Grzesiuk Trustee

### **DB opens the public hearing at 8:20PM**

**Present:** L. Jalbert, Jalbert Engineering

R. Grzesiuk

**Information submitted:** KK receives the green cards and newspaper advertisement to open the hearing

### **Discussion:**

- KK states that this is the first hearing on the project. She and DG visited the property with Jalbert Engineering on 12/6/06. The project includes installing a tight tank on the steep portion of the property. The cottage separates the work and the Lake, but there is a lot of earth work involved with the steep slope. Extra erosion controls are to be installed and small retaining walls are also to be installed. She has questions regarding the retaining walls and the additional repair work to be done.
- R. Grzesiuk states that the existing system is a cinder block tight tank that is pumped twice a year, north of the house.
- KK concerned with retaining walls and confused by details. Members discuss the details provided on the plan
- L.Jalbert states that the top of the house is roughly about 25 feet lower than road. He states that a 3,000 gallon tank is proposed, the tank is split in two parts--easier for a crane.
- DM questions if the bedrooms in the house are to be increased. L.Jalbert states that the house is to remain a two bedroom.
- DG questions what if ledge is hit. L.Jalbert states that ledge is about 20 inches below grade--borings were done.
- DM states that sufficient engineering details for the retaining walls are necessary.
- DB states that they need to talk about how the construction will be done. He questions if the retaining walls will be built before the tight tank is installed. L.Jalbert states that a building a pad with the walls is first and for the tight tank.
- DG states that a lot of trees are to be removed and would like the trees to be marked.
- DM questions the level of repair for the decking. R. Grzesiuk states that the existing deck is rotting and they plan on replacing boards. DM questions the repair to the south retaining wall. R. Grzesiuk states that the wall has dry rot, they plan on replacing the wall.
- DB states that the details need to be on the plan. DM states that the repair work is okay as long as the footprint is the same. R. Grzesiuk states that the footings of the deck is on bedrock--been there for 22 years.

FINAL approved 1/18/07

- DB states that the Commission has a lot of concerns with the steep slope and that revised plans are needed. KK states that the revised plans shall include a construction sequence, number of trees to be removed, and details of the walls
- KK questions if the machines are to work from the road. R. Grzesiuk states that there is plenty of room on the road, there are areas to park and pull over.

*Hearing continued to 1/4/07 pending revised plans. Applicant agrees.*

## **PUBLIC HEARING**

RDA for SCC 06-44: Proposed Single Family House at 60 River Road. Jalbert Engineering, Inc. representing R. Durling. Determination filed After The Fact.

### **DB opens the public hearing at 8:35PM**

**Present:** L. Jalbert, Jalbert Engineering

**Information submitted:** KK receives the green cards and newspaper advertisement to open the hearing

### **Discussion:**

- KK states that this is the first hearing on the project. KK and DG visited the property with Jalbert Engineering on 12/6/06. The RDA was filed after the fact, as work has already started. No work is in the 100-foot buffer to a wetland, but a portion of the garage and the entire driveway is within the 200-foot local buffer zone to a wetland. KK states she has no issues with the project, but water does travel down the road and into a catch basin that discharges across the street. At the site visit yesterday there was a fair amount of water traveling—weeping out of the wetland. The driveway should have a swale or a culvert to allow the water to pass. Also, Natural Heritage has issued a clearance letter dated 11/6/06 (Quinebaug River over 200-feet to the east). KK recommends a negative determination with conditions.
- DM states that hay bales should be installed at the catch basin.
- L.Jalbert states that natural heritage confirmed that the project will have no adverse impacts. So far the septic system and well are in place and the foundation is complete. L. Jalbert states that the driveway permit includes a paved swale for the street runoff.
- DM questions if stabilization is going to be done for winter.
- DB questions if the plan shows exactly what is on property.
- DM states that erosion controls should go in front of the stonewall near the road. L.Jalbert suggests a row of hay bales and straw on the slope. He also states that hay bales will be installed at catch basin.
- FD questions if the driveway is completed. L. Jalbert states that the grading has been done but it is not paved.
- KK states that the Board can issue a negative determination with conditions that include the extra erosion controls
- FD motions to approve the plans and issue a negative determination with conditions. DG seconds. DB questions if any abutters are present, none. All in favor: 4/0
- L.Jalbert questions when the determination will be ready, the property owners are anxious to start work again. KK states that it should be ready for signing on the 21<sup>st</sup> and it will be mailed out after the Holiday.

- C. Poirer: requests a letter to be sent to the modular home builders with the result of the hearing.

*Hearing Closed. Negative Determination to be issued with conditions.*

## **PUBLIC HEARING**

NOI for DEP 300-726. Aquatic vegetation herbicide treatment for CEDAR LAKE. Lycott Environmental, Inc. representing Town of Sturbridge c/o Cedar Lake Association.

### **DB opens the public hearing at 8:50PM**

**Present:** L. Lyman, Lycott Environmental

**Information submitted:** KK receives the certified receipts and newspaper advertisement to open the hearing

### **Discussion:**

- KK states that this is the first hearing on the project. Natural Heritage has responded with a clearance letter dated 11/28/06. The proposal is to apply a Reward herbicide to treat areas of milfoil and also apply captain algaecide to treat the algae blooms at the Town Beach. The Town Beach is to be utilized as a staging area and reports are to be submitted to the commission. The proposal is for treatment mid-may 2007. The NOI did not include any information on the draw down—additional permitting will be necessary for 2007 draw down.
- L.Lyman states that the abutter notification letter did not include a line for project description. He states that he received a lot of phone calls regarding the abutter notification. KK states that she did as well and that the project reason can always be added to the notification form. Commission agrees.
- L.Lyman states that he wishes to continue the treatment for milfoil.
- DM requests to know where there treatment areas are. L.Lyman goes over the past treatment areas and the areas that need to be treated now (see figure in NOI filing).
- L.Lyman states that there will be a bigger treatment area next year than in the past years because there was no treatment in 2006 due to the new NOI requirements.
- DM commends the Lake Association and L.Lyman for complying with the new requirements. The NOI is a good start and a good effort. However in general the NOI is not really a management plan, there is no information on the draw down and if that helps control the species, the goal of leaving between 20 to 40 % of the vegetation is a little high. The Lake seems to have an over abundance of indigenous species, why is leaving 20 to 40% a desirable goal.
- L.Lyman states that in regards to the 20-40 percent cover, that is to manage the non-indigenous plant species. Only milfoil has been targeted and since they have been treating the milfoil, other more desirable plants have come into the Lake. The NOI also targets algae for the swimming area, he was considering targeting lily pads too.
- L.Lyman recalls specifically asking the Commission in May if the draw down information is to be discussed in the NOI and the answer was no.
- DM states that the interactions between draw down and herbicide treatment was not thoroughly discussed.
- DG questions if other methods have been tried besides herbicides.

- L.Lyman states that the Commission can work with the Lake Association to map the bottom of the pond to encourage other plants. The removal of indigenous plants is not targeted.
- DG states that when reviewing the NOI, she was taken back by the amount of plants to be treated.
- DM questions why use Reward, he understands it to be a general nonselective-plant herbicide. He questions if it will affect other plants. L.Lyman states that is what he has used in the past years and it is EPA approved. DM states that he would like to see comparative data over the years.
- DM questions what is the trigger for the town beach treatment of algae. Was there a certain amount of chlorophyll, transparency?
- L.Lyman states that there are no details except for the visible presence of algae. The bloom has made the beach unpleasant for swimming.
- DG states that the Lake Association can save money if the algae blooms are monitored, it can be done by volunteers.
- DM questions what are the specific treatment areas.
- L.Lyman states that when the permit application is submitted to the DEP, the map showing the areas to be treated will be done.
- DG states that the Conservation Commission should be copied on the map. L.Lyman states that he will copy the commission on everything.
- DM states that there is a target depth of 1.5 feet for treatment. How do you adjust for depth.
- L.Lyman states there is a higher rate in northern cove, there is flow. He realizes that as little herbicide as possible is to be used.
- DM states that the label of the herbicide is their protection.
- DM questions if there will be any down stream impacts, what about the endangered species in the Quinebaug. He questions if the treatment will be phased? L.Lyman states that it is a one day treatment. He posts signs on every roadway leading to the Lake and it is in the newspaper.
- DM states that the wildlife features require set backs, L.Lyman acknowledges. DM states that the NOI included a general species listing.
- DG states that leaving 20 to 40 percent of vegetation cover is not good, too much removal.
- KK questions L.Lyman if he has any issues with the Sample Conditions provided by the MA DEP in the Guidance document. L.Lyman states no
- L.Lyman states that Cedar Lake has a draw down Order of Conditions that will need to be extended. L.Lyman states that a new NOI should not be necessary. KK states that she is not aware of the draw down Order of Conditions and requests L.Lyman to provide her with the DEP File Number.
- L.Lyman states that in May the Commission informed him that draw down is separate issue.
- DM states that he would like to find out how the draw down affects the treatment areas
- DM states that the Order of Conditions will have to define significant changes for an amendment: example new invasive plant, different herbicide.
- DG questions if any alternative maintenance techniques have ever been proposed?
- C. Moran (President of Lake Association) states that the association is concerned with vegetation in the Lake. Feels L.Lyman has done an outstanding job over the years, in the areas that have had to be retreated--not a lot of herbicide was applied. The goal is trying to kill milfoil, the association is concerned about the non-indigenous species. DM states that he is concerned with collative damage to all species. C. Moran questions the Commission's Lake monitoring program and if that has any information regarding the plants.



- DM states that the maintenance program is more for water chemistry and biological factors. L.Lyman has done the plant species count. DM states that he needs to make sure that the amount of the herbicide is appropriate.
- C. Moran questions the reason for draw down information. DM states that the Commission has no conceptual problems with the draw down, but need information on it
- C. Moran states that the Lake will have ecological damage next year due to three times the treatment since none was done in 2006.
- DM states that the Regulations and requirements have changed, in order to apply herbicides, you need the mapping and need the level of information to compare.
- C.Moran states that the Association has spent \$5100 in permitting fees and the Association has come to the end of the rope to spend money to treat the weeds. DM states that he can understand the frustration but that is why getting the baseline information is so important, to avoid over treating and re-treating when you don't have to
- L.Lyman states that the Commission should review the diagnostic feasibility study done about 15 years ago. DM states that it was done in 1986, the study is a start but there has been a lot of development since that time.
- DM states that he appreciates the efforts done with trying to improve the Lake.
- DG questions if people have shallow wells on the lake? C.Moran states that there are about 1 to 2 shallow wells. DG states that people with shallow wells should be notified directly
- DM states that the Commission can draft a list of Conditions for review by January 15th.
- L.Lyman questions if the hearing can be closed
- DM motions to close the hearing and issue an Order of Conditions once the draft is prepared and reviewed. DG seconds, All in favor: 4/0
- KK states that she will draft the Order for review in January. She requests consent to issue the order in more than 21 days. C. Moran gives consent.

*Hearing closed. Approval Order of Conditions to be issued. 21 Day Extension granted.*

## **PUBLIC HEARING**

NOI CONTINUED from 11/2/06: 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 9: 40PM**

**Present:** M. Allen, Allen Engineering  
J. Schmit, PWS

### **Discussion:**

- KK states that since the last hearing, revised plans were submitted 11/30/06 that includes additional plantings between the house and rear wetland, addition of 8 concrete bollards (more than 50 feet apart) and a cross section of the pipe beneath the driveway. This project includes the reclassification of a stream the construction of a single family house and driveway within the 25-foot buffer zone. Mitigation measures have been incorporated in the project design that include a stormwater sediment basin to be maintained, grass and stone swales to be maintained and plantings. Overall concerns include the steepness of the property and close proximity to a stream that discharges directly to the Lake. KK also states that she would like to see the bollards adjusted--too far apart.

- M.Allen states driveway and basin staked out for the Commission to walk. He states that J. Schmit visited the property and identified the new planting areas according to what is there now and what would succeed
- FD states that the bollards should be 20 to 25 feet apart, not 50-feet. DM adds that the bollards should not be on the wetland line, but at the 25-foot buffer.
- DB questions M.Allen what he thought the bollards were to represent. He responds to denote the sensitive resource areas.
- KK states that the bollards should be at the clearing limits whether that be at the 25-foot buffer or the 45-foot buffer. The purpose of the bollards should be to permanently mark the limit if disturbance. Members agree and M. Allen agrees. FD states that the bollards should be at a minimum 25 feet away
- J. Schmit states that there is mitigation for the work within the 25 and 50 foot buffer zone. I visited the site and chose the areas that are devoid of undergrowth for the mitigation and plantings. She submits photographs of the house location and where the mitigation will be.
- DM questions what is the condition of the hemlocks on property. J.Schmit states good condition. DM states that he does not want to bring in diseased hemlocks for the mitigation
- DB questions what are the soils like in the mitigation area. J.Schmit states that it is an upland soil that is dry with rocks.
- Discussion of the specific plant species
- DG asks who will maintain the basin. M.Allen answers the homeowner.
- KK states that there needs to be an erosion control monitor during construction.
- KK recommends that the Commission discuss the stream status, perennial vs. intermittent. She states that the stream appears to be perennial across the street because it is channelized, but on property there are no defined banks and it is a very organic, hummock wetland.
- M Allen states that the Riverfront extends from natural banks, not a culvert
- DM questions what is the distance from the culvert crossing to the Lake.
- M.Allen estimates about 150 feet from Paradise Lane to Big Alum (where the stream is channelized)
- DM states that he is concerned with the construction sequence and the seasonal timing for construction. He adds that the work should be done during a time of year for minimal erosion potential and the best planting time for stabilization. J.Schmit states that the month of May would be the best time to start grading and then hydroseed with the clover mixture
- DM questions how fast will be grading be? M.Allen states tree clearing 1 week, grading 2 weeks.
- KK questions who the contractor will be. The Contractor will need to be pro active with maintaining and inspecting the erosion controls.
- P. Roy (abutter) states that the project needs to be done correctly.
- B Sanderson (abutter) requests a definition of bollards. DB answers the purpose is to clearly define the no touch zone and limit of work, for the life of the property
- FD questions if there should be a bond to protect the Lake in case something were to happen. DB states that a bond may not be needed. DM states that a bond would be additional protection. It would be expensive to clean the lake and it is a good idea
- KK states that if the Commission wants to see a bond then it should be drafted for review
- J.Schmit states that there is temporary protection in between phasing.
- DM questions what is her suggested envelope for construction. J.Schmit states May to August.
- DG questions what is to be on the other side of the driveway (opposite of wetland--south side) M.Allen states that the area is to be seeded. DG states that may be a potential for washout.

- M.Allen questions if the Commission has an example for a bond. DB states the planning board always deals with bonds and maybe he should contact the planner. DM states that with a bond and a timeline for construction, the project may be okay
- FD questions the distance of the bollards. KK recommends the bollards be close together at the swale and then proceed up to the 100-foot buffer zone at the limit of clearing.
- DB requests to discuss the stream. J.Schmit states that the photos were taken with a dry weekend in between--7 days continuous dry. She states that the stream on property does not have ravine characteristics and there is no gravel bed. Additionally it was dry across the street at the time of the photos. Photos taken Sept 2005
- Johnson (abutter) is concerned with the definition of the stream. He questions how it can be intermittent on one side and not on the other side of the road. DM explains the regulations and the standards that the applicant must submitted, non drought conditions, photos etc
- J.Schmit adds that when a stream is reclassified, anything upstream would be considered reclassified also.
- P. Roy questions what is the point of reclassifying the stream. Members discuss the Riverfront Area and the requirements to change that status of a stream
- DB states that the project is for one house on 12 acres. If the project was for 12 houses on 12 acres, that would be a different story
- DM makes a motion to reclassify the stream to intermittent and that the data submitted is sufficient. FD seconds the motion.
- C.White (abutter) states that she wants a guarantee that the 12 acres will not be subdivided (gives personal example). KK states that there are zoning things to consider when subdividing, frontage, lot size etc. There is no other area of frontage. The subject parcel was already subdivided out of a larger parcel.
- S.Sanderson (abutter) states that his concern is that the erosion controls may deteriorate. DB states that part of the permit will be to maintain the erosion controls. S.Sanderson questions if the plantings are to be monitored. KK states yes. DB adds that no invasive species are proposed.
- DB reminds the Board that there is a motion on the floor to reclassify the stream. All in favor: 4/0
- DB states that the additional information to be submitted includes revised plans including the bollard changes, bond details, and a detailed construction timeline. M.Allen states that he would be happy to submit the additional work but he would like a vote tonight.
- S.Sanderson states that the Association would like to review the bond in a public hearing.
- FD states that the bond is only subject to Conservation Commission approval.
- DB states that the bond must be approved by the Commission
- P.Roy questions if roadway damage will be in the bond.
- DM states that the bond shall include stipulations if the Lake is impacted as a result of the project.
- DG questions how wide is the driveway. M.Allen answers 12 feet.
- KK reminds the Commission that the motion should include a waiver to the 25 foot buffer zone
- DM motions to approve the project and a waiver from the 25 and 50 foot buffer zones with Special Conditions including a performance bond to be submitted and approved by the Board, a construction sequence with a timeline and revised plans. FD second.
- KK states that there will be Conditions for an erosion control monitor and a pre-construction meeting etc
- All in favor: 4/0

- KK requests consent to issue the Order in more than 21 days, M.Allen gives consent.

*Hearing Closed. Approval Order to be issued. 21 Day Consent granted.*

## **PUBLIC HEARING**

NOI for DEP 300-727. Aquatic vegetation herbicide treatment for BIG ALUM LAKE. Lycott Environmental, Inc. representing Town of Sturbridge c/o Big Alum Lake Association

### **DB opens the public hearing at 10:25PM**

**Present:** L. Lyman, Lycott Environmental

**Information submitted:** KK receives the certified receipts and newspaper advertisement to open the hearing

### **Discussion:**

- KK states that this is the first hearing on the project. Natural Heritage has yet to respond therefore the hearing cannot close. The proposal is to apply a Reward herbicide to treat areas of curly pondweed. The Public Boat ramp is to be utilized as a staging area and reports are to be submitted to the commission. The proposal is for treatment Mid-may 2007. The NOI did not include any information on the draw down—additionally permitting will be necessary for 2007 draw down.
- L.Lyman states that the Lake is getting older it is in the mesotrophic stage. Curly pondweed is in the lake on the southern cove, a very invasive plant that is fairly new to the Lake. The Association will be wrestling with it for years. However, milfoil was previously found on the Lake but it is not now. Success of treatment
- DM questions if curly pondweed was seen in 2005. S.Sanderson (Lake Association) states that a dive survey was done in 2003 and 2005. DM comments that the curly pondweed appears to have grown a lot for just one year. DG agrees that it is a huge area. L.Lyman states that the pondweed likes stony and mucky areas--it grows in sandy soils.
- DM states that the NOI is redundant. He comments that the treatment leaves the shore line bare and that more plants should be left. He views it as a vigorous treatment. He questions if the entire Lake was treated for milfoil. L.Lyman states no, a small area about the size of the room.
- L.Lyman states that he will do a pre treatment survey to be discussed with the Association. He states that two out of the last 4 years were treated for pond weeds.
- DM states that he has the same concerns as for Cedar Lake. The plant percentage to be removed is a lot.
- Discussion of herbicide
- KK states that the Commission should wait to hear back from Natural Heritage.
- DM agrees and states that the Order of Conditions will be very similar to Cedar Lake, unless Natural Heritage has concerns.
- DM states that the Commission can continue the hearing until January, that will give Natural Heritage time and that is when the draft Cedar Lake Order will be complete.
- L.Lyman agrees with timeline.

*Hearing continued to 1/18/07 pending Natural Heritage.*

**11:05 PM OTHER BUSINESS (As Time Allows):**

1) Shepard property off Route 15

- T. Chamberland present for discussion
- KK states the parcel is approx 8.52 acres off Route 15. It is within Natural Heritage associated with the Quinebaug. The Deed states "...through its duly elected Board of Selectman, for open space and conservation purposes, to be managed and controlled by the Conservation Commission..."
- T. Chamberland states that he represents the American Legion. Need regulation sized baseball field in Town, only one field is at the high school. The Shepard parcel is an ideal parcel that has good topographical amenities it is high and dry and flat and in the center of town. Good candidate for baseball field. Would the commission entertain allowing ball fields on the property. There would be parking lots, field, lights, etc.
- FD states need to consider the desire of the previous owner that sold it to the Town, obviously wanted the land to be preserved.
- DM states that he is a baseball fan but it is tough to convince him that this is the only property that fields can go on. He states that the Commission should be careful and does not want to set a precedent, never mind the sensitive attributes of the property near the River and endangered species.
- KK states that even the Commission allows it, there would be a lot of permitting involved
- T.Chamberland states that the CPC requested to hold off to see if there are other sites. Problem running into is that no other property is high and dry like this one
- Members ask specific questions about the construction of the fields. T.Chamberland states previous gravel pit so there would be limited tree clearing. About 4 acres would be disturbed, 2 acres for the field. Gravel parking area--possibly paved. There is enough land for a soccer field and an additional field.
- KK states that there has been a committee formed to evaluate land for playing fields for the Town, this is for the American Legion.
- KK states that basically, T.Chamberland is looking to see if the Commission would be willing to have an article on the warrant for the Town Meeting to convert the land to active recreation. Articles are due by 1/15/07. DB states that it could not be done for this annual--too soon. T. Chamberland states that is fine, he wants the Commission to be comfortable.
- DM states that the Town Planner should look into it, first step for development.
- FD states that the Town bought it and should have the right to change their mind.
- Discussion of OSV parcel.
- FD states he is in favor of the change if done at a town annual meeting
- DM states he is hesitant to set precedent. Request to change the status of the property should not come from the Conservation Commission
- DB the parcel gives public access to the Quinebaug River it is a good piece of land that is upland access to the River. That should be considered
- DB states that maybe the process should go through Town Counsel. He really does not feel comfortable with drafting an article for this year
- T.Chamberland states that it okay if the Commission wants to wait. He has been waiting for CPC. He states that the parcel may have the least amount of issues as far as land disturbance goes
- DM suggests that KK provides the Commission with a list of pros and cons for next meeting

- T.Chamberland states that he is just looking for feedback, if the Commission is not into it, then it is a dead idea.

## 2) Discussion of Chase Road Enforcement Order DEP 300-533

- K. Rabbitt Present
- KK issued EO on 11/30/06. Since that time, work has been done to stabilize and KK visited property on 12/6/06. Go over photos.
- Discussion of permanent sealant for stabilization.
- DM states that the response was great to the EO. DB states that an EO shouldn't need to be issued, the site needs to be better managed
- K.Rabbitt states the amount of water when it rains makes the site unworkable. Cannot work in the rain.
- K.Rabbitt states the site is now under control. Construction has taken longer than planned
- Discussion of the pipe coming off the abutting property. K.Rabbitt states that they have the authority to connect the pipe. He believes that the pipe carries roof drainage but its original function was to help the septic system but now the property is on sewer. K.Rabbitt states that he would like to connect the outlet with their structure, he has contacted the property owner.
- FD motions to release the EO, under the stipulation that the site is maintained. DG seconds. All in favor: 4/0 .

## 3) Request for Extension, 10 Gifford Road. DEP 300-515

- K. Rabbitt present requesting a 6 month extension to remove building. He is also requesting to modify the removal due to the electric lines. He proposes to cut trees in flat area, and have excavator sit on flat area. He states that it is a 2 day process
- DB states that the wetlands go through the house. He believes that the Extension is OK but wants to revisit the site.
- KK states that the applicant has had 3 years to remove the house, now the Building Inspector is making them do it.
- FD motions to give a 6 month Extension. DM seconds, All in favor: 4/0.
- DB states that the Commission needs to revisit the site to determine how it will be removed.

## 4) 269 Cedar Street Order of Conditions Update

KK informs the Commission that not all pages of the Orders were recorded. She has sent new copies out to be recorded.

**Meeting adjourns at 11:55PM**