

**STURBRIDGE CONSERVATION COMMISSION
MEETING MINUTES FROM JANUARY 19, 2006**

Meeting Opens at 7:02PM

Present: Dave Barnicle (DB) Chairman, Donna Grehl (DG), Ed Godwin (EG), Dave Mitchell (DM) at 7:04PM, and Frank Damiano (FD) at 7:04PM

John Hoffman, Associate Member

Kelly Kippenberger, Conservation Agent

CPA Update

- Discussion of 51 Holland Road parcel: tabled by EG

Walk-Ins

1) M. Deterano for 98 Paradise Lane Tree Removal. DEP 300-617

- KK states that she forwarded a email request to the members received 1/17/06
- M. Deterano discusses the tree removal and states that it interferes with the house. DG questions if the trees can be trimmed. M. Deterano states that there are 3 separate trees, the roots will remain in place.
- Members state that one tree can be removed. In favor: 5/0

7:10 PM MACC Discussion: Sign ups for annual conference

7:15PM Discussion of 444/446 Main Street

- Beaver deceivers needed
- Discussion of a professional engineered design
- Members discuss the natural tread of the stream and restoring the flow

PUBLIC HEARING

AMEND Continued for DEP 300-589: Request to amend Order of Conditions for 43 Abrams Drive (Result of an Enforcement Order)

****REQUEST FOR CONTINUANCE TO 2/16/06 AT 8:00PM**

7:28 PM 61 Falls Road Extension Forest Land

- DB states he has no interest in the land because it's too small. Members agree
- **VOTE:** 5/0 rejected.

7:35 PM Review of Strategic (12/1/04)and Open Space Plan

- Members discuss the importance of inventory and management of lands (page 8 and 13)
- DG states that the Open Space Plan is a positive impact. It analyzes zoning and talks about "stunting zoning"
- L. Jalbert of Jalbert Engineering, Inc states it allows flexible development, small lots with more open space.
- Members discuss the benefit of having small lots with large transects of open space verses large lots.
- DB states all members should review and provide comments by next meeting

7:43 PM Discussion of FCP Process/Discussion of Leadmine Lane FCP

- Members states that they should have 21 days to respond to the Board of Selectman when a FCP is received. The Selectman should not issue an approval until hearing back from the Commission.
- Members discuss the BMP guidelines for forest harvesting

PUBLIC HEARING

NOI Continued for DEP 300-677: Proposed two single family houses at 246 Fiske Hill Road. Para Land Surveying representing the property owners (D. Cournoyer, L. George, and M. George).

DB opens public hearing at 7:53PM

Present: R. Para of Para Land Surveying

- KK states that she issued a memo dated 1/18/06 with concerns
- Revised plans and additional information was submitted on 1/17/06. R. Para goes over the revised plans with the Board
- R. Para states that the ANR Plan allows frontage off Fiske Hill Road for Lot 1F. Mass Highway eliminated the access off Route 20 when a clover turnaround was proposed, there is 83 ft of frontage and 150-ft is needed to meet zoning.
- EG comments that it is a pork-chop lot and that it is difficult to build on odd shaped lots
- R. Para states that the larger portion of the lot meets the R Factor. There is the possibility for a curb cut under Mass highway.
- FD questions if he proposes to use the full acreage of the lot. R. Para reminds the Commission of the proposed Lowes. R. Para states that it is the owners intent to build one lot.
- KK questions the phasing of construction
- EG comments that the driveway needs to be at the maximum distance from the wetland. It needs to be outside the 50-foot buffer zone, closer than that is unacceptable.
- L. George states that the Commission approved the project previously. This is a re-submittal and he is trying to do everything in accordance to what the Commission wants. He thinks the Commission is not being fair, the driveway has been a discussion for 3 years. He went to the state and waited to see if there can be a property line adjustment, he can no longer wait. He originally wanted to sell a few house lots, he has the acreage, but now the Commission only wants one house.
- DB states that the project has come a long way. He is concerned with protecting the wetlands and has been from day one.
- FD states it is a difficult lot to build on. He views having two driveways as an extreme.
- R. Para states that in the past, the Board has approved driveway crossings. KK states that is for limited projects under 310 CMR 10.53.
- R. Para states that the Board can grant a waiver from the 50-foot buffer zone. DM replies he is sympathetic as the Board has been reviewing this project for a long time.
- KK questions the Riverfront Easement that was previous approved. L. George states that was to ensure no crossing of the wetland, but if a house is built then there will be no crossing.
- R. Para states there is 2.3 acres of upland and that is more than enough for a house.
- FD states that a versa-lok wall will be better than rip rap for the driveway
- KK questions the revised drainage calcs.
- DM states that the Board needs to give the applicant direction. L. George will accept two house lots with the deed restriction.
- DB states he will not allow a violation to the 50-foot buffer zone. Will a gravel driveway be treated as a permanent structure? DB adds that he has a concern for the drainage basins, the site is wet

- R. Para states that the intent of the basins is for quality control of the water. DMM comments that the home owners would have a vesting interest in not having the house flood.
- L. George states the abutter is not here and he knows he will not allow water on his property.
- EG states he cannot allow a structure in the 50-ft buffer zone and that the restriction is needed. A gravel driveway may eliminate some concerns.
- FD states that he thinks it is unlikely that a second house can be constructed.
- L. George will agree to a gravel driveway and the deed restriction.
- EG states he needs the restriction in writing.
- Members discuss the contamination. R. Para states that it was a working farm and there are farm trucks from the 1920's.
- Members state that revised plans are needed for the drainage, operation and maintenance plan and deed restriction. The driveway should be porous material.

Hearing continued to 2/16/06 at 8:20pm

PUBLIC HEARING

RDA Continued for SCC 05-44: Single family house demolition and reconstruction at 130 Lake Road. Jalbert Engineering, Inc. representing Bemis.

DB opens public hearing at 8:55PM

Present: L. Jalbert of Jalbert Engineering, Inc.

- KK states that a site walk was on 1/13/06 and the area is a historic wetland that has been filled. There is water on the surface and she recommends a NOI to be filed.
- L. Jalbert states that a full basement and craw space is current, the existing house is 23 x 35 and no change in footprint will occur. No excavation is proposed, just for the sonotube footings. There will be no crawl space—too wet. Town sewer, private well.
- FD believes that a positive determination is needed, the project will impact groundwater and the Commission needs a NOI. DB agrees and thinks a wetland scientist should review the area. FD motions for a positive RDA, EG seconds: 5/0.

Hearing closed, Positive Determination to be issued.

PUBLIC HEARING

NOI Continued Under the Bylaw for SCC 05-20: Proposed Laurel Woods Subdivision at 176 Cedar Street. EBT Environmental Consultants representing Escape Estates, Inc.

DB opens public hearing at 9:08PM

Present: A.Cormier of Escape Estates

- KK states that the public hearing has been re-opened (abutter cards and newspaper to be submitted). Revised plans have been submitted on 1/9/06 and Memo from Planning Board on 1/19/06. Open Space document submitted (revised) and drainage calcs revised.
- A. Cormier states that the green cards and newspaper are on his desk and will submit tomorrow. Commission agrees to open public hearing without newspaper ad or abutter return receipt cards.
- EG questions the percentage of the open space for the lot. A. Cormier states about 1/5 of the lot.
- DB states he likes the idea of the 3rd Party Engineer review.

- KK comments that A. Cormier has been good to work with and accommodating.
- EG motions to close the hearing and approve the project contingent upon CME's final comments and understanding that they are the 3rd party. DM second, 5/0.

Hearing closed, Order to be issued.

PUBLIC HEARING

NOI Continued for DEP 300-668: Proposed commercial building and parking at 127 and 135 Main Street. Jalbert Engineering representing Maple Hill Realty, LLC.

DB opens public hearing at 9:15PM.

Present: D. Roberts from Jalbert Engineering, Inc

- KK states that no new information has been submitted. She did send a memo to the Planning Board on 1/6/06 informing them of SCC status
- EG motions to continue the hearing until wetland data is submitted. FD second. DM requests a timeline of data.

Hearing continued to 3/2/06 at 8:30pm

PUBLIC HEARING

NOI for DEP 300-687: Proposed single family house at 126 Podunk Road. Consolidated Design Group, Inc. representing Paramount Construction Co.

DB opens public hearing at 9:19PM

Present: S. Poole
T. Marsh

Submission: Newspaper ad and abutter return receipt cards.

Discussion: KK states that she requested larger plans to be submitted. NHESP cleared the project and that work within the 50-ft buffer zone was stressed as a concern to the applicant. The USGS map shows the stream as intermittent in the wetland and the DEP comments that no DEP Data forms were submitted.

- KK questions the property as 112 Podunk and if the abutters were notified incorrectly.
- S. Poole states that 112 Podunk is the overall lot, this is a ANR. Number 126 was given to this Lot, Lot 2.
- S. Poole states that revised plans include no garage. EG questions if the hay bales are the limit of work
- DG questions if the lot is cleared. S. Poole clarifies that the hay bales are the limit of clearing and that there is no work in the 50-foot besides the well.
- Members question if there is high ground water. And request if the amount of earth work (fill) can be lessened. EG states he needs to see the property.
- T. Marsh states he just bought the property. DG questions when the delineation was done. S. Poole states 3/3/05. DM questions if the flags are in the field. DB states that the corners of the house need to be staked for the walk. DG adds that the well location should be marked too. DB states that no snow cover should be on site for the walk.

Hearing continued to 2/2/06 at 7:20 PM pending site visit

PUBLIC HEARING

NOI for DEP 300-688: Demolition and reconstruction of single family house at 33 and 35 Bennetts Road. Jalbert Engineering, Inc. representing J. Dunn.

DB opens public hearing at 9:36PM

Present: D. Roberts from Jalbert Engineering, Inc
J. Dunn

Discussion:

- KK receives green cards and newspaper to open hearing.
- KK concerned with house foot print going from 1320 sq ft to 2154 sq ft.
- D. Roberts states that the ZBA issued a Determination. On the lot lines
- DG questions tree removal and roof run off
- D. Roberts states that there will be 1-foot wide stone around foundation.
- EG questions location of current leachfield. D. Roberts states the system passed Title V but the septic tank needs to be relocated.
- D. Roberts states the leachfield is well maintained and the ground percs well
- EG questions the proposed deck closer to the Lake. J. Dunn states that the interior design changes are responsible for the deck to be closer to the Lake.
- DG states that the house will double in size and she is concerned with it being 53 feet from the Lake.
- DM questions if the deck is on sonotubes. R. Roberts states yes. DB states that gravel should be under the deck.
- Site visit needed. DG would like to see the trees to be removed marked. DB requests to mark location of porch and deck
- D. Roberts states that two pines are to be removed. Unstable slope and shallow roots. DB mark trees for walk.
- D. Roberts will revise plans to show the gravel around the house
- J. Dunn clarifies that the pipes to be removed are on the side of the house.
- D. Roberts states the existing parking and landscaped area will stay the same. J. Dunn states the parking is pea-stone.

Hearing continued to 2/2/06 at 9:18PM pending site visit

9:55 PM OTHER BUSINESS

A. Cormier submits abutter notification and newspaper for SCC 05-20

1) Discussion of 444/446 Main Street Beaver Dam

- Present: A. Cormier representing property owner for 444 main Street, Critter Control, G. Ying.
- KK reads concerns stated in letter
- A. Cormier states that he is representing the owner of 444 Main Street (family member). DM understand that the problem has nothing to do with Escape Estates.
- DB questions the size of the pipe to be installed at the bridge. FD questions if a professional engineer should do the work.
- A. Cormier said he did a brief inspection and thinks 2 12-in pipes may not be right (personal opinion).

- FD is concerned with proposed beaver deceivers and the blocking of fish passage.
- Dm comments that there is a lot of water flow. EG states that the beavers should be removed, the dam is causing flow restrictions.
- FD states the Commission is happy with the deceivers as long as they work properly.
- Critter Control states that originally larger pipes were proposed to not restrict flow but the Commission was concerned with draining the wetland.
- FD states it should be properly engineered, not a temporary fix
- DB states that the beavers should be removed and the stream should be re-established.
- A. Cormeier states that his uncle (owner of 444) does not understand why it is his responsibility. EG states it is on his property and the road access his hotel. A. Cormer asks what if the road was to be removed.
- Members discuss all concerns with installing a pipe at the bridge, flow restrictions, flood plain, fisheries, elevations—cannot drain wetland. Members feel it needs to be engineered. A. Cormier agrees and suggests to talk with uncle and size of pipes and elevations.
- Critter Control states that the flow of water forced the deceivers up.
- A. Cormier asks about trapping beavers. Critter Control states live traps can be done Nov 1st through April 15.
- KK states that a timeline needs to be established. Remove beavers at 444 main street and remove the dame to restore flow then erosion issues on 446 main street can be corrected.
- Commission wants to see plans for the pipe at the bridge.
- Consensus of the Board to allow KK full authority to work with all parties.

10:50 PM Update of Lake Maintenance Task Force Committee

- DM states he contact the DEP and that for herbicide permit, you can file as long as a NOI is in the process of—don't need the Order to be issued.
- DM states that having L. Lyman on the Task Force Committee may be a conflict. He thinks all members of the Lake Associations should be invited.

11:00PM Sturbridge Hills Sewer Update

Discussion of Site Walks

Sign Permits

Order of Conditions for DEP 300-680: 88 McGargle Road septic repair.

Negative Determination for SCC 05-37: 164 Podunk Road septic repair

Approval of 11/17/05 and 12/1/05 Minutes

VOTE: 4/0 to approve.

Meeting adjourn at 11:19PM