

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday, June 1, 2006

7:05 PM Open Meeting

Members Present:

Dave Barnicle (DB) Chairman, Dave Mitchell (DM), Ed Goodwin (EG)
Kelly Kippenberger, Conservation Agent (KK)
Danielle Garry for minutes.

CPA Update

- EG states there is no update

7:07 PM Discussion: Summer Hearing Dates

- KK updates the commission of the next scheduled meetings: June 15th, July 20th, August 3rd and August 31st.
- KK states August 3rd is the next open meeting for continued hearings.
- The Board agrees that the meetings are all booked and KK will speak with applicants to let them know.

7:10 PM Walk In: J. Rouse for 21 South Road with ACOE.

Discussion:

- KK states that the ACOE has a flood easement on Breakneck Brook and she received a phone call from the ACOE and learned that during a routine walk through, ACOE saw evidence of soil entering the stream.
- KK reviews photos with the Board and states she sent a letter to the owner of the property detailing the concerns. She adds the fields are agriculture and the owner is working on them. It appears that a berm was breached/
- The Board reviews the Topography map and has a brief discussion.
- J. Rouse states that this is a project that was started in 1991. He adds the fields are being flattened and Cheslea Construction is the contractor removing the rocks and stones. He states they have sold 30,000 yards of gravel so far.
- KK questions if any sediment has been removed and J. Rouse states no, they are installing dams and plantings will be done in the fall.
- EG asks if they have a gravel permit. J. Rouse responds no and states agriculture said he didn't need one.
- Members discuss the need for an NOI. KK adds that agricultural activities are exempt as long as there is no change, expansion etc.

7:30 PM Walk-In: B. Caron for 124 Clarke Road

Discussion:

- KK informs the Commission that there was some clearing off the cell tower access road and on the abutter property owned by B. Caron, 124 Clarke Road. She shows the members the plans and states that a NOI for a single-family house was denied 3 years ago. She states that it appears the cleared area is about 163 feet from a wetland on the cell tower property.

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- B. Caron states where he had measured, it was 200 feet and he shows the members a letter from Art Allen. Also, the wetlands on his property have been re-flagged.
- Members discuss hardship to build a house there.
- DM states that there is nothing that indicates anything has changed and B. Caron states he is cleaning up debris and fallen trees.
- DM states regardless, he needs a Letter Permit for any clearing work on property.
- B. Caron states that his land was split in 1985 and questions to the commission when did the Rivers Act start. KK to confirm.
- **Action Item:** Applicant may file an NOI, if applicant decides to file this should be done as soon as possible. B. Caron to submit Deed to prove no hardship with the NOI.

7:42 Walk-In: E. Paquette 101 Cricket Drive, Enforcement Order.

Discussion:

- DB states he asked E. Paquette to come in for a brief discussion. He states at the site visit he saw that a rock wall is in, the filter fabric is in, and he has a concern of the filter fabric stopping at the corner of the house and not going around it, but he did notice the filter fabric is working.
- There is a brief discussion of filter fabric.
- EG questions if this should be an As Built plan. KK states that they need new plans with the As Built and with the new changes.
- DB states to change the plans with the new proposed driveway.
- DM states that a site walk needed and if an additional wall is needed after that it must be on the new plans.
- EG Motions to lift Enforcement Order, DM 2nds. 3/0 all in favor.

PUBLIC HEARING

NOI CONTINUED from 4/20/06: DEP 300-668. 127 and 135 Main Street. Proposed Commercial Building and Parking. Jalbert Engineering representing Maple Hill Realty LLC

DB opens the public hearing at 7:49 PM.

Present: D. Roberts from Jalbert Engineering, Inc.
L. Jalbert, Jalbert Engineering, Inc.
M. Sosik

Discussion:

- KK states at the last hearing the SCC requested that the applicant conduct additional testing of the wetland replication area to determine if it will succeed. Since that time, the applicant submitted a revised replication plan showing soil information, drainage area information and flow patterns. The key elements area: applicant claims that the replication area final grade is at the level of ground water (or within 5 inches) and only 4.9% of the drainage area is being altered. Review plans submitted: Letter dated 5/24/06, revised replication plan dated 5/24/06 and existing and proposed drainage flow patterns dated 5/26/06.
- KK shows the commission the plans and points out an area in which at the last hearing the members had a discrepancy on an area of the property and it possibly being a wetland area. She shows the drainage pattern.
- D. Roberts states the drainage is going to a culvert.

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- DM states that the water table and drainage on the plan looks favorable.
- D. Roberts states there is 0.51 acres that is diverting and 1.78 is the entire proposed developed and previous area and only 4.9% of the drainage is being altered.
- KK states that they are going down 12 inches and taking that material out to make the wetland replication area.
- EG states his concern is to allow the maximization of commercial sites and to move the wetland or use the wetland as is, no reason why a development can't go in without disturbing the wetland.
- L. Jalbert states the reality of the site, their only developing 33% of the commercial site and the topography restraints show the least amount of impact is a grade of 131 without developing the section of the above area.
- M. Sosik shows the members on the plan that there is ledge that you can't even see the wetlands.
- There is a discussion of where the wetlands are.
- DM states that there is liability if there is water, but the commission is satisfied with the hydrology given and EG states that the board needs to be consistent along with other wetland replication areas that come before them.
- D. Roberts states they could have this monitored by a wetland scientist.
- KK mentions that regulations state to avoid wetland impact, minimize wetland impact and replicate for wetland loss. In this case, 423 square feet of bordering wetland is to be altered, however replicating a great deal.
- M. Sosik states that he is convinced that is not a wetland area.
- DB states what has been presented he is in favor of, it will be an improvement to the wetlands.
- KK states that the replication area has to succeed. It will bring in better habitat species (non-invasive plants with food, coverage etc) and will improve the wetlands.
- M. Sosik wants to know options, they have had three wetland scientists say it is not a wetland area.
- KK states that everyone on the Board thinks it is a wetland area.

Hearing continued to August 3, 2006 at 7:30PM pending new information to prove that the wetland replication will work and the roof drain is new information.

PUBLIC HEARING

NOI CONTINUED: DEP 300-697. Proposed Stoneleigh Woods at 6-8 Chase Road and part of 9 Chase Road, 183 Charlton road and 141 & 159 Fiske Hill Road. Waterman Design Associates Inc. representing Blue & Gold Development Group, Inc.

DB opens the public hearing at 8:30 PM

Present: W. Belec and P. Thompson, Waterman Design Associates
Mark Donahue

Submissions: Newspaper ad and abutter return receipt cards.

Discussion:

- KK states this is the first hearing and is scheduled for 40 minutes. She references a memo dated 5/30/06 for initial questions.
- There is a brief discussion of hydrology

Hearing Continued until August 3, 2006 at 8:00 PM pending site walk.

PUBLIC HEARING

ANRAD CONTINUED from 4/20/06: DEP 300-635. Wetland Delineation review at 650 Route 15/Mashapaug Road. New England Land & Lumber (NELL) Property. JMP Environmental representing NELL.

DB opens the public hearing at 8:50 PM.

Present: John Presnisol, JMP Environmental

Discussion:

- KK summaries that the SCC members conducted a site walk on 4/22/06. No outstanding issues from the walk. The applicant submitted revised plans showing only the 200 foot buffer zone – limit of SCC jurisdiction (plans dated 4/26/06).
- KK states that she has reviewed with Art Allen and DB states he saw the site and he approves of it.
- KK states that the Vernal Pools are not certified.
- There is brief discussion on the Vernal Pools in Sturbridge and in Holland.
- EG Motions to approve, DM 2nds. All in favor 3/0.

Hearing closed. Approval ORAD to be issued

PUBLIC HEARING

Urban Forestry Grand and Forest Management Plan with Forester. Selected Parcel: 47 Finley Road.

DB opens the public hearing at 8:55 PM.

Present: Joe Theroux, Forester

Discussion:

- KK states the Draft Forest Management Plan was submitted 5/31/06 for review by SCC members and Tom Chamberland. The SCC is to then vote on approving the Management Plan and present it to the Town Administrator. The grant is for drafting the Management Plan and does not include implementing the plan.
- KK states that the hearing is for the Draft Plan only, she suggests reviewing the draft and then voting to accept.
- DB states that he likes what he has read so far.
- Members discuss the Draft Management Plan.
- KK goes over the page 4 of the Primary Objects and on page 14 the Management Practices to be done in the next 14 years.
- DM states that he is supportive of all of the Primary Objects on page 4.
- EG questions if there are any dead trees and J. Theroux state that there is Sugar Maple trees and the top of the them are dead from old age.
- DB suggests the Board take the Draft Plan home, read it over then talk with J. Theroux with any comments or concerns.

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- J. Theroux reviews the Management Plan and states this is only a template with standard descriptions. He also states that there are two plans, one for Stewardship and the other for Chapter 61, they are both reimbursed by the state.
- DM questions if he has a glossary of the trees and J. Theroux states yes, and he can also put in the descriptions.
- Members discuss the Management Practices from J. Theroux.
- DB suggest to KK to email the members to read the Management Plan, send back their comments to her and set up a time for 10 minutes to discuss at one of the meetings.

Discussion of members concerns on June 15, 2006 at 9:40 PM under Other Business.

PUBLIC HEARING

NOI: DEP 300-699. 20 Tantasqua Shore Road. Proposed House addition. Jalbert Engineering, Inc. representing T & C Neill.

DB opens the public hearing at 9:27 PM.

Present: D. Roberts, Jalbert Engineering, Inc.
T. Neill, T & C Neill

Submissions: Newspaper ad and abutter return receipt cards.

Discussion:

- KK states this is the first hearing and the project includes a single-family house addition. Natural Heritage states it will not affect the habitat in a letter dated 5/17/06. She states her questions and concerns are: any tree clearing, area of deck to be removed within the 50 foot buffer zone to be loamed and seeded, move erosion controls closer to work, location of stock piling and questions if the driveway is to be paved? She adds they will need some sort of permit from Zoning.
- D. Roberts states that they have met with Zoning Board, they say they do not need a Special Permit, they had a 2nd meeting, no determination because they met the requirements. This is a non-conforming lot.
- T. Neill shows the members the house on the plan and states he needs more living space. There is no garage. He wants to remove the deck and then seed and loam that area, do plantings and add a 1-car garage with a 6-foot extension off the house. They have pavers for a driveway.
- DM questions if they need to do any tree clearing and T. Neill states no, he will be moving equipment up the driveway.
- T. Neill states he will be stockpiling along side of the walkway, he will be shaving off of the retaining wall, which is approximately 4 feet tall. He shows the members that he has a stonewall and will be rebuilding the wall using the same material. They need to temporarily move the wall in order to do the excavation.
- EG states they need to do a site visit.
- DB questions if they know the timing of when they will be removing the deck and T. Neill states he will be using it as a platform for the saws, etc.
- DB states the conditions will state no fertilizer and no pesticides. Instead of loaming and seeding you may want to use ground cover.
- T. Neill states that the contractor would like to start this project late fall.

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- **Action Items:** Designated stockpiling on the plan, note the driveway is pavers, change the erosion control line, flag trees for the site walk and stake the corners of the house for the site walk.

Hearing Continued June 15, 2006 at 7:20 PM pending site walk.

PUBLIC HEARING:

NOI CONTINUED from 5/4/06. DEP 300-684. Demolition and reconstruction of a house an installation of a septic system at 80 & 118 Leadmine Lane. Jalbert Engineering representing the applicant, G. Pinto.

****REQUESTED CONTINUANCE TO JULY 20, 2006 AT 7:30 PM.**

PUBLIC HEARING:

RDA: SCC 06-17. 25 Brookfield Road, Parking Lot & Building Improvements. Jalbert Engineering, Inc. representing F. Guyette.

DB opens the public hearing at 9:50 PM.

Present: D. Roberts, Jalbert Engineering, Inc.

Submissions: Newspaper ad and abutter return receipt cards.

Discussion:

- KK states this is proposed parking lot improvements and a proposed building addition. The property is within the 100-foot buffer zone to Allen's Pond, but there is a natural berm separating the work and wetland. The proposed work will not impact the wetlands and I think it is an improvement to the property. She visited the property briefly on 6/1/06, see photos. Recommend a negative determination.
- KK shows the members the plan, she states this is an extension of the pavement, relocation of propane tank, plantings and the catch basin needs to be protected during construction.
- D. Roberts states the catch basin(s) are in a protected silt sac.
- EG and DM agree on a site walk.
- DM motions for a negative determination, DB seconds. All in favor 3/0.

Hearing closed. Negative Determination to be issued.

PUBLIC HEARING:

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

DB opens the public hearing at 10:00 PM.

Present: B. Babineau
A. Stone

Submissions: Newspaper ad and abutter return receipt cards.

Discussion:

- KK states this is a determination for wetland boundary approval and re-classification of a stream from perennial to intermittent. The SCC reclassified the stream intermittent in January 2001. Since that time has expired, beaver dams were removed and beavers trapped in December 2005. Photographs submitted with determination are from September 1, 2005 and September 4, 2005 (only 2 days of proof, regulations require at least once per day over four days in any consecutive 12 month period). Field evidence also should be submitted with a statement signed under penalties of perjury.
- KK states that her concerns are that the top of the bank flagged in not on the plan and the photos are only 2 days and regulations state that in order to reclassify a stream, the Commission needs 4 days of proof of a dry streambed.
- DB states that he regrets reclassifying the stream in 2001.
- A. Stone states regarding the flagging of the stream, from route 20 up to the cart path the top of bank blends into the vegetated wetland. Regarding the photo's, the stream needs to be flowing for four consecutive days and between 1st and 4th day there was no rain.
- KK states that abutters have signed an affidavit that the stream is dry. However, she believes the abutters are referring to the ditch on property and not the perennial stream.
- DB states they have had problems in the past because of the number of impoundments, which could have made the stream dry. DB asks B. Babineau how many beaver dams were removed and B. Babineau states about 5 or 6.
- DB states that a site walk is needed and he recommends that the Commission walk a portion of the watershed.

Hearing Continued August 3, 2006 at 8:40 PM pending site walk.

10:18PM: OTHER BUSINESS

Discussion of 11 Bennetts Road

Present: Peter Hamm

Discussion:

- KK states that there is an existing shed over a stream on property. She shows the members the plans (from a previous filing) and states she received a phone call with complaints that work was going on. She visited the property and there is no building permits or conservation permits, so the Building Inspector issued a stop work. From a previous filing, the Commission requested that the shed is to remain in the same footprint. There is no evidence of ground disturbance or construction. KK states that she believes the shed is being repaired, walls and roof.
- DB states that the key is to keep the existing floor.
- EG questions if they are using the same roof and P. Hamm states yes, they are replacing portions of the walls.
- EG wants to know what the shed is being used for and P. Hamm states maybe a garden shed.
- EG states that there are to be no lawnmowers, no plumbing, no water, herbicides, pesticides in the shed.
- P. Hamm states that the owners are very concerned with the environment and plants and the stream.
- EG questions if they are using paint and P. Hamm states they will use stain.

KK is to write letter with conditions and copy the Building Inspector.

Discussion of Sturbridge Host – Addition of Beach Sand. SCC 06-13.

Discussion:

- KK states that T. Brothers from the Host submitted in a sketch of the beach and the only thing he did not do was stake the area.
- Consensus of the Board to grant letter permit.

Discussion of Cedar Lake Recreation Area – Addition of Beach Sand

Discussion:

- KK states that she received a spec sheet that includes the addition of 135 cubic yards of washed sand to be spread by hand. She is to write a letter-stating do not spread by the lake.
- Consensus of the Board to grant letter permit.

Extension Request: Estates North Subdivision Infrastructure off Hall Road. DEP 300-533.

Discussion:

- KK states that this is for a one-year extension to build Chase Road.
- DB states his concern of this not getting done in the past three years, why should they approve for one-year extension?
- Members discuss the Regulations of Extensions (concerns of not getting the road in within the 3 years and allowing the one year extension), and they also discuss clearing limits and house lots.
- KK to write a letter to Bill Swiacki stating the commissions concerns and to be discussed at the next meeting under Other Business.

Sign Permits

- Determination for Applicability: SCC 06-10, 93 Arnold Rd.
- Order of Conditions: DEP 300-689, 8 Eagle Ave.
- Order of Conditions: DEP 300-677, 246 Fiske Hill Road
- Order of Conditions: DEP 300-676, 86 Shore Rd.

Discussion of NOI requirements for Aquatic Vegetation Treatment of private ponds.

- DM states that DG had concerns with the 100-foot Buffer Zone for the Abutters.
- DM wants to table the discussion

Discussion of Leadmine Lane FCP

- KK states that DB received a phone call stating that additional clearing is going on. It appears that the additional clearing was for a “perc” test.
- Members discuss the regulations of “perc” tests. KK states that “perc” testing is exempt from filing, but access to the “perc” test is not (i.e. if you need to cross a stream to “perc” then the stream crossing needs a permit)
- EG asks if Bernie from Board of Health observed a “perc” test being done and KK states no.
- DB states this is a violation because they are within 200 feet of the wetland and KK states that “perc” test are exempt from filing.

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- KK also states that the Bartlett did the plans and what they submitted the Forest Cutting Plan that was approved is wrong, the stream is not shown in the right location. The State Forester is upset and he stopped all forest harvesting until a revised plan is submitted and re-evaluated.

Update of Outdoor World DEP 300-696.

- Board briefly discusses Outdoor World.

Discussion of Docks

- KK states that a dock permit goes to the Harbor Master (Board of Selectman). She states that the Commission should be copied when someone fills out a permit for a dock.
- DM states that the dock issue has always been a problem. What the Town really needs to do get an inventory of the docks. DM requests to table the discussion of docks until next meeting.

MEETING ADJOURNED AT 11:20 PM