

STURBRIDGE CONSERVATION COMMISSION (SCC)

Minutes for Thursday, June 15, 2006

7:03PM Open Meeting

Members Present:

Dave Barnicle (DB) Chairman, Donna Grehl (DG), Ed Goodwin (EG), Dave Mitchell (DM) at 7:15PM, and Frank Damiano (FD) at 7:40PM

Kelly Kippenberger, Conservation Agent (KK)

Danielle Garry for minutes

7:04 PM Walk-In: 71 Main Street, Fiskdale Plaza.

Present: J. Monawad

Discussion:

- KK states she sent a violation letter on 6/9/06 regarding dumping in wetland and clean-out of the drainage pipe. The commission has shown concern with the dumping of debris in the wetlands located next to the plaza and clogging of a pipe.
- DB states that the pipe is completely submerged and something inside the pipe is clogging it.
- J. Monawad states that beavers are building a dam in the stream.
- KK states that this is a big concern because it is a stream.
- J. Monawad asks if the commission can recommend anyone to clean the pipe. DB states the owner of the plaza should have blue prints of how the pipe was put in and suggest for him to contact Greg Morse from DPW.
- KK asks if they have a lot plan and J. Monawad states he is not sure if his lawyer has it.
- EG questions if there is a construction dumpster for the debris and J. Monawad states yes. EG states in order to get the pipe cleared they need to look at blue prints, he wants all the trash that has been dumped to be taken away and to be put in writing any construction work involving debris.
- J. Monawad states that people have been dumping and suggests putting in a fence along the property line. KK suggests a sign stating private property and no dumping.

****DM arrives at 7:15 PM**

7:15 PM Walk-In: Pilot Emergency Culvert Repair.

Present: D. Stavens, Barber Utilities

Discussion:

- KK states a sink hole occurred on 6/3/06 and there has been correspondence back and forth with DPW & Fire Chief. KK shows the plans to the board and states that the sinkhole is caused from a wash out. The sinkhole is about 10 feet in depth. She states there are two 48-inch pipes over 200 feet in length. D. Stavens states one is in failure.
- KK states information was requested on how this will be fixed and that they are proposing to dam the pipe, sandbag the inlet and outlet and excavate down and repair. A couple of boards at the pond outlet will need to be removed to allow the water to flow.
- DM questions how many flashboards are there now and D. Stavens states there are 7 or 8-inch boards they are exposed and are easy to remove.

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- EG questions if it is still an emergency issue. EG states his concern is going with the one pipe system and D. Stavens states there is only one working now anyway and he suggest taking the pipe out because there is a joint failure.
- DB questions if the pipe installation and joint repair was done wrong the first time.
- D. Stavens states he is not sure what the failure is and he suggests making a temporary road to the hotel. The area of failure is 20 feet wide and the pipe joints are under the road, so the proposal is to excavate down to the joint and realign the pipes and pour concrete around it with rip rap around it first.
- DM wants to know how long will this take and D. Stavens states at least a week. DM suggests taking the time to try to fix the problem under the road.
- KK suggests taking the boards out to see what happens and also to de-water.
- DB requests KK and DPW handle this as an emergency permit.
- DM motions to issue an emergency permit, DG 2nds. All in favor 4/0.

PUBLIC HEARING

NOI CONTINUED from 6.1.06: DEP 300-699. 20 Tantasqua Shore Road. Proposed House Addition. Jalbert Engineering, Inc representing T & C Neill.

DB opens the public hearing at 7:36 PM.

Present: T & C Neill

Discussion:

- KK states she, DB, and EG visited the property on 6/5/06. There are no issues with the project. Revised plans were submitted on 6/6/06 showing that no stock piling is to take place and the Erosion Control is to remain close to the work.
- KK shows the members the revised plans and shows that there is a steep knoll and where trees need to come down.
- EG Motions to approve the project, DM 2nds. All in favor: 3/0. DG abstains
- KK states she will write up an Order of Conditions and have the members sign it and the applicant to see the Building Inspector once received the plans.

Public hearing closed and Order of Conditions to be issued.

*******FD arrives at 7:40PM**

PUBLIC HEARING

NOI CONTINUED: DEP 300-662 for 12 Ridge Hill Road. Construction of a single-family house. Trifone Design Associates representing Jason Lemieux.

DB opens the public hearing at 7:41 PM

Present: F. Trifone
J. and H. Lemieux

Discussion:

- KK states the revised plans were submitted on 6/14/06 showing infiltrators, detention pond detail, split rail fence, decrease in garage size (24x24 to 22x22 ft) and limit of work. She is concerned with the use

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of a detention pond verses a rain garden and the amount of earthwork within the 50-foot buffer to isolated wetland.

- KK shows the members the revised plans and states her concern is about the function of the detention pond and plantings.
- F. Trifone that he needs to infiltrate the front and back of the house. He needs to bring in fill before he infiltrates. KK asks how the infiltration is proposed to work and F. Trifone states it will be open at the bottom and it will be ½ shell.
- DB asks the commission if they want to issue a permit because of a structure being within the 50-foot buffer zone.
- KK states that the house was originally proposed within the 25-foot buffer zone and the commission suggest going to the Zoning Board to obtain a variance to locate the house closer to the roadway. To her knowledge, a variance was obtained and the house is as far from the wetland as possible. However the house size did not change.
- KK questions the material of the detention basin is and F. Trifone states stone.
- Members have a brief discussion of the water flow and where it should be going.
- DB suggests by diverting the water into the wetland on the other side of the road, which will improve the drainage. He shows the members on the plan where there is ledge underneath the ground which keeps water there.
- J. Lemieux states that water use to flow behind the abutters house but doesn't anymore.
- DG states that this is a site-specific situation.
- EG states it is unreasonable to deny use of the property and he can not think how to make this a better situation and feels they need to reject or approve as is.
- DG states she is uncomfortable denying. She would prefer plantings and re-vegetating the buffer zone.
- FD states that the site makes him nervous and questions if the 50-foot buffer zone be waived. He is inclined to give waiver under the circumstances.
- KK questions the size of the detention pond and F. Trifone states that the detention pond is 2 feet x 4 feet. KK states that in order to get a waiver, the project should show minimizing impacts and mitigation.
- KK states she would like in writing the maintenance for the detention pond.
- DB asks if they would like the commission to take a vote or have a continuance.
- DG states they need to see a maintenance plan and mitigation plantings.
- DG Motions to approve the project with the buffer zone planting plan and the maintenance plan of the detention pond. DB 2nds. All in favor: 5/0

****** PER THE REQUEST OF THE APPLICANT REPRESENTATIVE, THE PUBLIC HEARING FOR DEP 300-682 HAS BEEN SWITCHED WITH THE PUBLIC HEARING FOR DEP 300-678. MEETING START TIMES HAVE LAPPED, NOT AN ISSUE. ABUTTERS ARE PRESENT FOR DEP 300-678**

PUBLIC HEARING

NOI CONTINUED: DEP 300-678. 186 New Boston Road, Single Family House and Reclassification of a stream. Green Hill Engineering representing J. Boutiette.

DB opens the public hearing at 8:27 pm

Present: M. Farrell, Green Hill Engineering, Inc.
C. Childress, Opacum

Discussion:

- KK states that at the last hearing the SCC had requested more information on minimizing impacts. No new information has been submitted. KK wrote a memo dated 5/1/06 with outstanding concerns. KK states at the last hearing they spoke about minimizing the wetland impact by putting the driveway in an area without so many trees and also the stream reclassification from a perennial to an intermittent.
- DB states they cannot discuss the stream reclassification until all information has been received.
- M. Farrell states that he re-did the map showing habitat and non-habitat in which he shows the board. He points out the CVP and the PVP. Also, his first proposal was to push the house back and he has since revised the house location. He states he has two options for the construction of the driveway. Option A would alter 2,400 sq ft of wetland with moderate tree removal and Option B would be utilizing the cart path, which would alter 2,700 square feet of wetland with less tree removal.
- Member discuss options of would be more beneficial.
- DG states that cutting trees down would impact the stream and habitat of the stream
- DM states he does see more of an impact with Option A.
- DB states with either Option, there needs to be 2:1 wetland replication.
- KK questions if the property is on town sewer? And M. Farrell states no, it would need private septic and water.
- M. Farrell shows the board the alternate location for the house, which he states, would be closer to the stream and they would try to confine the work.
- C. Childress (abutter) states she has a concern with the placing of the house.
- KK questions if they had submitted the information to Natural Heritage and M. Farrell states he is confident the Natural Heritage will not have issues. KK states that all changes need to go to the state for review and comment
- EG questions if the septic would be relocated also and M. Farrell states yes.
- KK states that they cannot close the hearing until Natural Heritage is satisfied and asks the commission if they are willing to accept 1:1 wetland replication? Commission states no.
- DB requests that the revised house location plans be submitted to Natural Heritage for comment and the Topography plans.
- **Action Items:** New information to Natural Heritage with their response, the response from the memo and replication to be 2 to 1.

Hearing continued pending action items August 3, 2006 at 9:30 PM.

PUBLIC HEARING

NOI CONTINUED from 5/4/06. DEP:300-682 for Septic System repair at 11 Shepard Place. Green Hill Engineering representing property owner, I. Ethier.

DB opens the public hearing at 9:07pm

Present: M. Farrell, Green Hill Engineering, Inc.

Discussion:

- KK states that the revised plans submitted 6/13/06 show the location of the intermittent stream and buffer zones with notations regarding replacing the drainage pipes. She is concerned with the erosion control location.

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- KK shows the members the revised plans and states that the underground drainage pipes are failing and that there is no notation of how pipes are going to be repaired. The limit of work is limited due to erosion control.
- Members discuss the drainage.
- EG motions to approve the revised plans with conditions, DM 2nds.
- KK asks to be notified when the Order is recorded and she will inspect the erosion controls and meet with the contractor to discuss.
- All in favor: 5/0.

PUBLIC HEARING

NOI CONTINUED from 5/4/06. DEP:300-694 for 263 Cedar Street for proposed single-family house. Green Hill Engineering representing C. Soper

DB opens the public hearing at 9:15 PM

Present: M. Farrell, Green Hill Engineering

Discussion:

- KK states she, EG, and DB visited the property on 6/5/06. The revised plans submitted on 6/13/06 show the approximate location of the PVP off property and revised the location of the erosions controls to be closer to the work.
- KK shows the members the revised plans and states out the approximate location of the PVP. The old sawmill is to be removed and the erosion control pulled up to the work.
- M. Farrell states that there will not be any machine operating back there, so there is no need for hay bales or silt fence. They will be using orange safety fence.
- DM motions to accept the plans with amendments, EG 2nds. All in favor 5/0.

PUBLIC HEARING

3 NOI's CONTINUED from 5/4/06. DEP: 300-691, 300-692 AND 300-693. 84 Westwood Drive Lots 1-3. Proposed 3 Single Family Houses. Robida Engineering representing Choinski Construction.

DB opens the public hearing at 9:18 PM.

Present: J. Robida, Robida Engineering
S. Choinski, Choinski Construction

Discussion:

- KK states since the last hearing she visited the site and the wetland delineation is modified. Revised plans were submitted on 6/13/06 showing revised wetland line and changes to Lot 3. Litigation with Selectman pending. She is concerned with the amount of earthwork on the property and maximum build. Alternatives to the house locations shall be exhausted to minimize impacts.
- KK shows the members the revised plans and states there are no changes on Lots 1 and 2. Lot 3 they have eliminated the garage, decreased fill and driveway is rotated.
- J. Robida states the footprint of the house has changed and the well has been moved closer to the street.
- KK states that each lot has its own NOI.
- S. Choinski states that the Assessor's Office has separated the lots.

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- FD states they have made an improvement but believes that 3 houses may be excessive for the land.
- S. Choinski states that Lot 3 has sewer and an interested party for purchase.
- Members discuss the potential disturbance with all 3 lots.
- FD motions to reject plans, NO SECOND.
- EG states the owner did have an option to build outside of the 100-foot buffer zone and he chose to subdivide and he feels there are inconsistencies with the project and he cannot approve the three lots. It appears to be overdevelopment of the land. Subdividing the land created a hardship. EG states that it sets a precedent.
- EG Motions to approve Lot 3 as on the plans, DM 2nds, 1 Approve/4 Opposed. DENIED
- EG also Motions to close the hearing on Lot 3, DM 2nds. All in favor 5/0.
- KK states that Lots 1 and 2 have open hearings.
- S. Choinski states he has a concern with the abutter's lot being 44 feet from the high water mark and his lots are 100 feet away.

Hearing on Lots 1 and 2 DEP 300-693 and DEP 300-692 are continued to August 31st at 7:30PM. Lot 3 DEP 300-691 will have a denial Order of Conditions issued

PUBLIC HEARING

4 NOIs, DEP: 300-701, 300-702, 300-703, 300-704. Four single family houses at 269 Cedar Street. Jalbert Engineering, Inc. representing property owner(s) and T. Reardon Builders, Inc. Choinski

DB opens the public hearing at 9:44 PM.

Present: L. Jalbert, Jalbert Engineering, Inc.
Property Owners

Submissions: Newspaper ad and abutter return receipt cards.

Discussion:

- KK states this is the first hearing. KK references her memo dated 6/14/06 stating that the commission denied 5 Notice of Intents on 269 Cedar Street, which were appealed to Superior Court and DEP. DEP superseded orders were issued for the 5 lots. Since that time, the applicant has filed for four NOIs for four lots instead of five. The sewer easements have been eliminated. She shows the members the property lines and buffer zones.
- EG questions if these lots exist as house lots and L. Jalbert states yes.
- L. Jalbert states under the sub-division control law five lots were approved and he is trying to eliminate cost for the client. He also does not have a perc permit from the Board of Health and he has submitted new plans to the Board of Health to hopefully be approved on Monday. There is a new sewer crossing with Lots 3 and 4 and increasing the disturbance within the buffer zone, but it is in upland.
- DM questions if the septic locations are the same and L. Jalbert states they in the same area.
- FD comments that have 4 lots instead of 5 is an improvement
- KK states that EcoTec investigated the wetland and replication areas and the owner is responsible for the replication succeeding. Also, once the replication areas have been established they require monitoring every 2 years. She states in her memo that the monitoring well on Lot 2 has been eliminated.
- L. Jalbert states that it is hardship on the property owner. The monitoring well is located on Lot 1.
- KK reads the concerns in the 6/14/06 memo. EG states they need to do a site visit.

10:15 PM OTHER BUSINESS

Sign Permits

- ANRAD for 650 Route 15/Mashapaug Road: DEP 300-635
- RDA for 25 Brookfield Road: SCC 06-17

Discussion of Estates North Subdivision Order of Conditions Extension: DEP 300-533.

Present: K. Rabbitt

Discussion:

- KK shows the members the plans and states the purpose of the extension is to finish the road.
- K. Rabbitt states the roadway is under construction, the detention basin has been graded and received water from the road. They need the one-year extension to put in the binder coat and then top coat it. K. Rabbitt states that the land needs to be stumped and then loamed and seeded.
- DM Motions to approve extension, EG 2nds, 4/1 DG abstains

Discussion of Forestry Grant – Tom Chamberland comments – logging details.

Present: J. Theroux, Forester
T. Chamberland

Discussion:

- DB states there is a Vernal Pool that may dry out and he would like to change the clearing buffer zone to 200 feet.
- T. Chamberland states that the cutting plan is not part of the Management Plan and that the skid road is part of the plan.
- J. Theroux states there is an existing trail system
- DB states that there are steep slopes, when this goes out to bid it should have the slopes part of the bid. Other options are using horses instead of machines
- There is a brief discussion of the educational books to be purchased.
- KK requests a list of the books from J. Theroux. Members states that minor edits can be made.
- EG Motions to accept, DM 2nds, All in favor 5/0.

T. Chamberland to discuss signs on trees.

Discussion:

- T. Chamberland states he would like to speak to the commission in reference to the DEP signs. KK states that the DEP File Number is required to be posted at approved working sites. T. Chamberland requests that the Commission has a Condition stating that the trees should not be nailed to live tree. Consensus of the Board agrees.

Discussion of Docks

Discussion:

- Steve Murphy (present)
- KK reads town regulations on permits for docks and would like to know what the commission feels on making them an RDA.
- DB states if the docks touch down onto the ground in the Lake that the applicants must come to Conservation.
- EG states he would like to see a list of who has docks. He thinks the Lake Associations have that information.
- DM states that he feels that Conservation should be involved and EG states he does not feel Conservation should be involved.
- DG states that all lakes are different, the more access the more potential damage.
- DB states that docks can be reviewed as RDAs.

Discussion of Cell Tower proposed changes. 126 Clarke Road DEP 300-416.

- KK states that the changes include minimizing impacts. Consensus of the Board agrees

Discussion of 131 Shore Road LP. SCC 06-22

- KK states the request is to install a fence and remove two trees with the roots are to be left in the ground.
- DG states she does not think the trees need to be removed. KK states that she would rather the trees stay as well, but they are about 50-feet from the Lake and if the owner wants to remove the trees then that is the owners discretion (out of the 25-foot buffer zone).
- Consensus of the Board that it is preferable to leave the trees, but if the root remain it should not be a problem. Letter permit approved—fence to be installed by hand and root systems to remain

MEETING ADJOURNED AT 11:10PM