

## **STURBRIDGE CONSERVATION COMMISSION**

### **Meeting Minutes for Thursday, February 1, 2007**

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

Members present: David Barnicle (DB) Chairman, Donna Grehl (DG), Ed Goodwin (EG), and David Mitchell (DM) at 7:08PM  
Kelly Kippenberger (KK), Conservation Agent

#### **7:05PM: CPA and Zoning Study Committee Updates**

- EG states there is nothing to report for CPA Committee
- DG states no update for Zoning Study Committee
- KK informs the Commission that the VanderNoot property deed is ready to sign (property located between Route 84 and Opacum Woods). Members sign the deed. (DM enters meeting)

#### **7:09 PM: Approval of Meeting Minutes and MACC**

- EG motions to approve the 12/21/06 minutes as reviewed and DG seconds. All in favor: 4/0
- DG motions to approve the 1/4/07 minutes as reviewed and edited. DM incorporates minor spelling/grammar edits. DM seconds the motion. All in favor: 3/1 (EG abstains, did not review minutes)
- DB reminds the members of MACC Conference on 3/3/07. Members review the courses and sign up.

#### **7:18 PM: Discussion of meeting with Planning Board members**

- DB states that members of Planning Board want to meet with the Commission to discuss communication between the boards. DB states that the Boards should have a joint meeting.
- EG states that if the boards have a quorum, then the meeting has to be posted. KK states that both boards would have to post the meeting. Discussion of public meeting and posting discussions.
- DB states that he is in favor of open dialogue between the boards. He states that he will contact the Planning Board Chairman to set up a meeting date and possibly get an agenda set.

#### **PUBLIC HEARING**

NOI CONTINUED from 1/18/07: DEP 300-728 for excavation activities including foundation work at 16 & 18 Cedar Lake Drive. The property owner started work without obtaining proper permits and an Enforcement Order was issued. Jalbert Engineering Inc. representing E. Evensen

#### **DB opens the public hearing at 7:25PM**

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

#### **Discussion:**

- KK states that revised plans were submitted on 1/25/07 that have a note on the removal of sonatubes, the water line installation and the ground wire burying. KK recommends that members discuss special conditions that include removal of structures within a certain timeline.
- L. Jalbert goes over the changes on the plan. He states that the Board wanted to see the water line and electric line on the plan, a chain will remove the sonatubes and the hole will be filled with sand. The disturbed areas to be hayed, and loamed and seeded in the spring. Foundation to be replaced with new footings. There will be an installation of two sonatubes for the new deck and stairs to regain access.

- KK confirms that the well has not been installed but questions if the soil near the trees has been removed--per the request of the Commission. L. Jalbert states yes.
- Discussion of the trenching. No stock piling, soil to be backfilled in the trench.
- DM questions if the sonatubes can be removed first. L. Jalbert states that it would be easy to remove them, the ground is frozen. DB questions if there are any sonatubes buried and not shown on the plan. L. Jalbert states that 7 sonatubes is all that the surveyors could find (5 on Lake side, 2 on cove side).
- Discussion of sonatube removal. Members decide that all sonatubes shall be removed within 6 weeks. Members also decide that the property shall be hayed within 1 week.
- L. Jalbert states that the sonatubes need to be removed first in order to get the foundation permit from the Building Inspector
- L. Jalbert states that a small excavator will remove the sonatubes by lifting with chains.
- EG states that he has a problem with the 35 sq ft deck. The plan was not given upfront, and approving the deck would show lenience. The square footage should be 4x7 for the deck and stairs--including the stairs. L. Jalbert states that is impossible (rise over run) and it would not be allowed under the building code. Discussion of the size of the access to the house, deck and stairs. DM states that there should be a minimal landing for safety.
- L. Jalbert states that the 2003 field survey showed a 4x7 deck with 3 risers (stairs). The owner is just putting back what was there. EG states that he doesn't know what was there, it was removed prior to coming to the Commission.
- Discussion of access to house. DM questions what would be the minimal size for a landing. L. Jalbert states that a 4x6 landing would work not including the stairs.
- Members states that the access landing is to be 4x6 maximum with proper egress (stairs)
- Abutter (Gilmore) enters the hearing. DB explains to the abutter what the Commission has reviewed and what special conditions they have put on the project
- DB questions who has the sand on their property. Gilmore (abutter) states that the sand is on his property but it was there before he bought the house. He states that he has added sand on occasion and it is washed beach sand. DB states there should be a barrier between the sand and the Lake. Gilmore states that he needs to replace the existing stonewall with versalok. KK states that the repair of a wall can be reviewed under a letter but replacing a wall needs a permit. Gilmore states that the area has been disturbed for a long time, there were several cottages that could be historic (shed on Evensen property)
- DM motions to approve the project plans with the specific conditions as discussed. EG seconds, All in favor: 4/0
- L. Jalbert questions when the permit will be ready since it includes removing structures. Members state that they can sign next week. KK states that the permit can be ready within a week or so since it includes removing structures in violation. KK states that voting to issue the Order releases the Enforcement Order.

*Hearing closed and approval Order to be issued with Special Conditions.*

## **PUBLIC HEARING**

**NOI CONTINUED from 1/4/07: DEP 300-678 for 186 New Boston Road, Single Family House and Reclassification of a Stream. Green Hill Engineering representing J. Boutiette**

- At 8:00PM, KK states that the representative submitted a request for continuance. (KK reads email request received 2/1/07)
- DB states that he thinks the Commission should deny the request. The hearings have been extended for over a year. Natural Heritage commented on the project in December 2005.

- DM agrees that the hearings have been extended over a long period of time but recommends allowing one more continuance and warning the representative that it is the last time
- KK reads the Natural Heritage letter from December 2005.
- EG states that the representative has had a long time to comply with the requests. EG motions to deny the continuance and require a new NOI. DM seconds the motion. Members discuss how to indicate that the Board has lost their patience. KK states that she is afraid that since the project has been going on for so long that initial concerns will be lost. Many abutters attended the first two meetings in 2005 but no abutters have shown up for the last few meetings.
- DB states that the representative is not taking the project seriously. DG states that the Commission cannot assume that; don't know if he is getting paid, there could be several reasons why it has been continued.
- Vote to deny continuance: 2/2 (DG and DM opposed)
- DM states that the Commission could give the applicant a warning that it is the last continuance.
- EG makes a motion to continue the hearing to the second meeting in April and give the applicant notification that it is the last continuance. DG seconds the motion, all in favor: 4/0. DM states that the notification should also list the outstanding issues.

## **PUBLIC HEARING**

AMENDMENT for DEP 300-505. Proposed single-family house at 102 Gladding Lane. JMP Environmental representing the property owners, Pelski

- At 8:12PM, KK reads the letter dated 2/1/07 from JMP Environmental requesting a withdrawal of the Amendment. The request states that a NOI will be submitted.
- DM questions why the Amendment was requested. KK informs the Commission of the situation, the Order expired without the property owners knowing it. A Vortecnic unit was proposed, but the owners wish to change the system.
- DB states that if the stormwater is not being treated, then the project is in violation, especially if the Order is expired. KK recommends that the Commission should give a timeline for the NOI submittal since the Order is expired.
- DB states that KK should send a letter stating that a NOI should be filed in 3 weeks or fines. EG moves the motion. DG seconds, all in favor: 4/0.

## **PUBLIC HEARING**

NOI for DEP 300-729: Proposed single-family house and lot reconfiguration at 116, 118 and 120 Brookfield Road. Bertin Engineering representing Cambridge Properties LLC.

- At 8:22PM KK states that this project is a new NOI but the newspaper advertisement was not submitted to the paper in time (hearing advertised incorrectly) She recommends that the Commission not open the hearing.
- H. Blakeley from Bertin Engineering present and hands in the certified mail abutter receipts and the newspaper ad (advertised 3 days before hearing--not enough time).
- No discussion on project. Hearing continued to 2/15/07 at 8:55PM

## **8:24 PM OTHER BUSINESS**

- Sign Permits DEP 300-714 and DEP 300-721: KK informs members that the Board of Health did not approve the tight tank design for 48 Goodrich Road. The Applicant will have to come back to the Commission.
- 24 Cooper Road Emergency Barn Roof Repair: KK informs the members of the request of the Building Inspector--safety hazard. KK states that the barn is located very close to a vernal pool, she states that the contractor has indicated that no excavation is needed for the repair. He is going to use beams to support the roof. EG states that a dumpster should be onsite to get wood and shingles. Members agree to allow Letter Approval with conditions as necessary by KK, conditions to include a dumpster for storage.
- 222 New Boston Road DEP 300-590: KK reads letter dated 1/16/07 from A. Boutiette requesting a 6-month extension (Order to expire May 2007). KK shows members the project plans and states that she did an erosion control check. The erosion controls had to be corrected, in the wrong location. Members recall the project. EG motions to approve of the 6-month extension. DM seconds the motion, all in favor: 4/0.
- Request for Certificate of Compliances:
  - 1) 274 Big Alum Road, DEP 300-588: KK states that she visited the property on 1/9/07 (shows the members the photos). DB states that he is concerned with the unstable areas. Members review the As Builts. DM notices several differences. DG states that the change in the driveway grades may be causing the extra runoff. DB states that the Commission clearly cannot issue a certificate and that a letter should be sent notifying the owner of the project concerns. Members agree.
  - 2) 14 Mashapaug Road DEP 300-615: KK states that she sent a letter on 1/25/07 notifying the owner that the Commission will wait to visit the property in the spring to evaluate the property—make sure the runoff issues are corrected and that the vegetation has re-established. Members agree.

## **PUBLIC HEARING**

NOI for DEP 300-730: Proposed building and parking lot improvements at 376 Main Street. Baystate Environmental Consultants representing Muratore, Rolila LLC. This permit application is a result of an Enforcement Order and violation.

### **DB opens the public hearing at 8:42PM**

**Present:** S. Riberdy and B. Deluca from Baystate Environmental

**Submitted:** Abutter notification and newspaper to open the hearing

### **Discussion:**

- KK states that this is the first hearing for the NOI. An Enforcement Order was issued 12/4/06, which is still in place. Excavation occurred on property associated with removal of pavement and a handicap ramp without Conservation and Building permits. Minor sediment entered the perennial stream (evaluation report dated 12/29/06) less than 0.5 cubic feet, which is to be removed by hand. Proposed work includes removing some pavement, resurfacing the parking lot, constructing a new handicap ramp, landscaped areas and gutters, and excavation for a utility trench. All work is within the Riverfront Area (redevelopment under 310 CMR 10.58) and some is within the 50-foot buffer zone. Natural Heritage has not provided comments on the NOI,

therefore the hearing cannot be closed. NOI submittal was prepared nicely and includes good information in the Narrative for the Commission to review.

- DB questions what is proposed for the stormwater. Discussion of the runoff and water.
- S.Riberdy states that the property is flat and the water from parking lot pitches towards Route 20
- DM questions if a new catch basin is proposed, with a grease trap. S.Riberdy states that the BMP is gutters installed on the building that will help control the runoff from the roof, which is where the sediment entered the resource.
- DM comments that the applicant should upgrade the untreated storm drains
- S.Riberdy states that the gutters and the planting area will improve the runoff of the property
- KK states that under 310 CMR 10.58, redevelopment in the Riverfront Area should be an improvement.
- DB questions how the project will manage the stormwater. S.Riberdy states that the gutters will manage the runoff, the runoff from the roof will not spill into the parking lot and pickup oil, grease and salts from the parking lot. Currently, the roof runoff is not contained in gutters.
- S.Riberdy states that the vegetation strip around the building is being enlarged which will also improve the run off
- KK reads from Stormwater Management policy for redevelopment. KK states that the Stormwater policy and the project should be analyzed by Engineers
- S.Riberdy states that there is a minor improvement to the stormwater with the vegetative strip and gutters. He states that he is a biologist, not an engineer. DB states that the Applicant needs to improve the runoff on the parking lot, it is a good opportunity to get the property in compliance.
- DB adds that the slope is unstable and questions why there isn't slope stabilization on the plan
- S.Riberdy states that the slope is sandy and vegetated. He does not believe that rip-rap is needed
- DM questions if mountain laurel is a good plant in parking lot. EG states that it needs continuous moisture.
- DM comments that the plan is an improvement for the roof runoff by the addition of gutters, but he is concerned with the nature of the stormwater of the parking lot and getting treatment. The opportunity is here to improve the stormwater, the drainage of the site is bizarre.
- Discussion of what is on property. Property includes Yankee Spirits building.
- KK recommends that an Engineer analyses the stormwater policy and the project. Commission agrees.
- DB comments that he is still concerned that the slope will cave in.
- Baystate Environmental agrees to a continuance.

*Hearing continued to 3/1/07 at 7:30PM pending stormwater information.*

## **PUBLIC HEARING**

NOI CONTINUED from 1/18/07: DEP 300-711 for 36/38 Goodrich Road, demolition of an existing house and new house construction. The Center, LLC representing Frederick Gunn

### **DB opens the public hearing at 9:05PM**

**Present:** F. Gunn

T.Brown, The Center

### **Discussion:**

- KK states that she received revised plans on 1/29/07. Revised plan set includes a construction sequencing plan with 4 phases. Board of Health approval pending and they have scheduled a hearing for 2/5/07. KK states that she believes an Erosion control monitor is still warranted.

- DM questions if the construction phases count as milestones. T. Brown states yes. Members review the construction phases. T. Brown submits a plan set with his temporary MA license on the set.
- T. Brown states that Phase one includes taking trees down, excavation for foundation, installing the walls and back filling. EG questions if during Phase I if there is any chance that equipment would be used. T. Brown answers that excavation is minor and that he may use equipment for the backfilling.
- T. Brown states that Phase II includes removal and restoration of the area of the existing house. Demolition of the house will take place in this phase. DB questions how is all demo material going to get up the slope to roadway for removal.
- KK questions the removal of existing retaining walls and shed. T. Brown answers during Phase 1.
- DM questions the demo of the house by hand. F. Gunn answers yes to be done by hand; he does work like that all the time.
- DM questions if the stairs are to stay for Phase II for the removal of material.
- F. Gunn states that the salvageable material will be re-used. Some materials will be burned. Some will be removed.
- T. Brown states that the Tight Tank will be installed in Phase I (he copies the Commission on the Board of Health submittal)
- T. Brown states that Phase III includes restoration of the entire demo area and Phase IV will be removal of the deck.
- KK questions if the fill to be near the roadway is to be gravel and used for parking. T. Brown states yes
- EG questions how long to complete Phase I, he is concerned that the soil will be exposed for awhile
- F. Gunn states that the walls are going to stabilize the soil. If he puts mesh or tarp on the soils it will be fine. The stumps are to stay when trees are removed.
- DG questions if the parking area is to stay gravel. F. Gunn answers yes and that 3 cars will fit there.
- DG questions what is under the decking? She is concerned that sediment will enter the Lake when the decks are removed.
- F. Gunn states that it could be ledge, rocks or wooded walls. Vegetation grows through the deck.
- DB states that he is concerned about Phase I, the amount of fill is tremendous.
- T. Brown discusses his temporary MA engineer license for 30 days.
- DG states that the project needs a monitor.
- EG states that he likes the plan, it is a complete improvement for the lake, pulling back the house and adding vegetation. He is concerned with hand digging and the amount of work in Phase I. He would like to know when Phase I will end, and he thinks a monitor should be out there at least once a month. DM agrees that Phase I is tough and thinks it should be monitored once every two weeks. DG agrees with an environmental site monitor every two weeks. F. Gunn questions who will pay for a monitor. DB answers that he is responsible for hiring the environmental monitor.
- F. Gunn states that he objects to the monitor, he is trying to cooperate. A monitor would be too expensive, already spent a lot of money and time on the project.
- DM states that he has never seen a project like this done by hand. This is a different situation, the first phase is very important.
- F. Gunn states that he wants Phase I done in one season.
- KK states that a professional monitor is a standard requirement for the board.
- DB states that he is in favor of an environmental monitor to submit reports every two weeks. EG states that the monitor should only review the site for Phase I.

- F.Gunn requests to recuse himself and leaves the meeting. He instructs the Board to continue discussion with T. Brown.
- DB states that a site monitor should inspect and visit the site every two weeks. If not complied, then enforcement order.
- EG states that the applicant indicated that the monitor would be a financial burden.
- DG questions T. Brown if he understands why the Commission wants a monitor
- T. Brown questions if it is possible that the town staff monitors.
- DB states no, it needs to be a neutral party for inspection. He questions how do we know that Goodrich Road will not go into the pond, this is a severe project with major potential for problems.
- KK states that she will be randomly visiting the property, as may the members, but she cannot be responsible for submitting the inspection reports--must be a hired professional, very standard.
- F Gunn returns to the meeting.
- F Gunn states that he is very frustrated and cannot go forward with an environmental monitor.
- T. Brown requests to speak with his client and reconvene discussion in a few minutes.
- DB states that he gives the Applicant 15 minutes. In the meantime, the Commission will continue other business.
- F.Gunn states that he may go to Worcester. KK reminds the Applicant of the local bylaw. If appealed, must go to DEP and Superior court.

*Hearing to be continued in 15 minutes (see 9:55PM)*

#### **9:40 PM: OTHER BUSINESS**

- J. Butler present for 279 Holland Road: DEP 300-574
- KK states that J. Butler is here to get advice from the Commission. KK states that the property lines for 273 and 279 Holland Road were adjusted through an ANR plan in 2004. Conservation Commission approved a house to be built at 273 Holland Road in late 2004 (DEP 300-621) and denied the construction of a driveway at 279 Holland Road (DEP 300-574) for lack of information. The driveway was to be within 25-feet of a stream and pond.
- J.Butler states that the frontage of 273 Holland Road has been decreased and is now 150 ft.
- EG questions if there is access to 279 Holland Road by the right of way. DM states that if he recalls, the person did not grant access to the lot by the right of way.
- J.Butler states that he is looking to purchase 279 Holland Road but wants to see if it is worth it
- KK states that the 25 and 50 buffers were in effect at the time of the ANR
- EG states that the property should be accessed by the right of way. Discussion of the right of way.
- J.Butler states that a shared driveway is not allowed
- EG questions if the owners of 273 Holland Road selling 279. J.Butler answers yes
- EG states that he needs to see the distance from the wetland to the driveway, if the frontage has changed then maybe it can be located further away from the wetland.
- DG there is a 25 ft no touch, and a 50ft no new structure buffer zones that need to be taken into consideration.
- EG states that if it is a gravel driveway then it could be in the 50-foot buffer, no pavement is allowed in the 50-foot buffer. DG states that mitigation would be needed.
- EG states that he could go to zoning and say that the Commission is in favor of a shared driveway
- EG states that he really needs to find out where the wetland is and where the driveway will be.

- KK states that she previously met with J. Butler and told him that it is not impossible, but he needs to decide how much he is willing to compromise in order to protect the wetland as much as possible.

### **9:55 PM PUBLIC HEARING: 36/38 Goodrich Road Reconvenes**

- T. Brown states that he has some questions, can KK provide a list of recommendations for erosion control monitors. DB answers yes. He adds that the commission will review and inspect the erosion controls but the monitor will be submitting formal inspection reports.
- DB states that what the applicant needs to understand is that this project has a high potential for erosion and sediment and it needs to be watched carefully. If anything goes wrong and there are violations then the Commission can shut down the project.
- DG makes a motion to close the hearing and accept the plans as present with the Conditions as discussed for a professional environmental monitor during Phase I (every 3 weeks and after 1 inch rain event). DM seconds the motion.
- Discussion on the motion: KK states that other conditions will also be implemented. The Commission has standard conditions for monitoring of the plants. DB states that all other standard boilerplate conditions should be used, especially for the plant monitoring. KK requests clarification of the erosion control monitor condition. EG states that it should be every 3 weeks instead of 2 weeks. Other members think that is fine. KK questions what about rain events. DB states use the boilerplate (after 1-inch rain events) condition. Vote all in favor: 4/0.
- KK describes the recording procedures to T. Brown.

*Hearing Closed and approval Order to be issued with Special Conditions.*

### **10:10 PM OTHER BUSINESS CONTINUED**

#### 1) Allen Homestead Subdivision DEP 300-419: Extension Request

- E. Mainini from Guererre & Halnon present for discussion.
- KK states that she received a letter from E. Mainini dated 1/3/07 requesting a 1 year Extension. E. Mainini clarifies that this is for the overall subdivision still owned by Allen Homestead.
- KK questions if the Applicant (L. Mountzoures) has told A. Allen to submit monitoring reports to the DEP as a result of the Superceding site walk. E. Mainini states she is not sure.
- E. Mainini states that all is left is correcting the basins; the individual lots have their own permits.
- EG: motions to issue the 1-year extension. DM seconds the motion.
- Discussion of the motion: EG questions why was the court postponed. E. Mainini states there are property owner issues with the easement to Drainage Basin 2.
- EG questions if the stones have been removed. E. Mainini states that the stones were removed out of the buffer zone, but put on the property of the Suprenants, that is the problem.
- KK questions if the stormwater system is working if the swale is not built. E. Mainini states that the Swale (Detention basin 2) is stable, but it is not the right size. Still meets stormwater management policy, it has the volume to withhold a 25 yr storm.
- KK states that maintenance to the basin is her concern if access is the problem.
- Vote on the motion for 1-year extension: All in favor 4/0.
- E. Mainini states that the basins are not finished because of the hold in the 7 lots.

#### 2) Letter Report Requests



- Opacum Land Trust sign off New Boston Road: KK states that letter and photographs received 1/10/07. She has no issues, may be a rock instead of sign. Members fine with letter approval for either a rock or a sign.
- 129 Shore Road 2<sup>nd</sup> floor addition: KK states that a letter and sketch was submitted dated 1/18/07. KK & DG visited 1/23/07; they have no problem with work, but paved swale leading to Lake (see photos). DB states that he is concerned with the paved swale going into lake and recommends that the Commission inspect the swale in the spring. Members agree and are fine with a letter permit for the addition notifying the owner of the paved swale concerns.
- Charlton Wells: 96 Gladding Lane and 132 Leadmine Lane: KK states that she and DG visited both properties on 1/23/07. KK has reviewed the Board of Health Regulations for a new well and the set backs are not complied with. KK shows members the photos. Members agree to send letters stating that the wells should be placed away from the Lake and meet board of health requirements. Hay bales are needed, cannot be within the 25-foot buffer.

**Meting Adjourned at 10:40PM**