

STURBRIDGE CONSERVATION COMMISSION

Meeting Minutes for Thursday, March 1, 2007

7:05 PM: Open Meeting

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

Kelly Kippenberger (KK), Conservation Agent
Laura Hunter for Minutes

CPA and Zoning Study Committee Updates

Both EG and DG have no updates

Minute Approval

EG motions to approve the 2/1/07 minutes as reviewed. DG seconds, all in favor: 3/0

EG states that he has not read the 2/15/07 minutes. DM states that the 2/15/07 minute approval shall reconvene when FD arrives. KK hands a hard copy of the 2/15/07 minutes for EG to read.

7:07 PM: Walk In

1) Tree removal at 26 Tantasqua Shore Road

- M. Noyes present for discussion.
- KK states that the property owner submitted a letter request for removal of three trees on 2/7/07 and has offered to do replacement plantings. KK and DG visited site on 2/23/07 and have no issue with the removal.
- KK states that the property is within Priority Habitat associated with South Pond and she recommends the owner submit a request for information to Natural Heritage.
- M. Noyes under impression that Conservation Commission submitted request to Natural Heritage and has concerns with how long approval may take. KK gives her all the information needed to submit the request. Members discuss if the project will impact the Priority Habitat and members review the photographs.
- DM states that he does not believe removing the three dead trees will impact the Priority Habitat, especially since the trees are dead and abut lawn.
- Members discuss how the trees are deceased and that removing the trees shall not impact the slope since the roots are to stay in place.
- M. Noyes states how she plans on removing the trees while the Lake is iced over.
- After reviewing the photographs and reviewing the proposal for mitigation plantings, EG makes motion to approve the tree removal by a Letter Permit. DG seconds motion. All in favor: 3/0

2) Shed construction at 119 River Road

- A. Curboy present for discussion
- KK states that she responded to a complaint received on 2/21/07. She visited the property with the Building Inspector and found that a shed was being constructed within 82 feet of a wetland associated with Quinebaug River. She states that the shed is being built near the existing house with a field separating resource area and construction area (shows members the photographs). (FD enters the meeting at 7:15PM)
- KK states that the majority of the earthwork is complete and questions if the Commission wants to see after the fact RDA or NOI. EG requests clarification of the earthwork. KK states that the

footings are in and that framing is left of the shed. EG states that by looking at the photos, the earth is not stable so there is potential for erosion issues.

- DM questions the distance between the River and construction. KK estimated the distance to be about 300 feet from the River.
- DM questions when the house was constructed. A. Curboy answers about 14-15 years ago and he did not have to come to the Conservation Commission for a permit. He did have to go through the ZBA process
- Commission members state that there are erosion control concerns and request that hay bales are installed immediately and that crushed stone should be installed for the roof run off. Crushed stone and hay bales okay with property owner.
- DG asks if the area will be paved up to shed. A. Curboy states that the paving of the driveway is already complete.
- FD states he has concerns with additional impervious surface and would like to see slope stabilized. Owner states back side of shed has boulders with sand. He plans on adding peat stone for the runoff.
- DM would like to see a more detailed plan of the area and project. He states that since the work is within 100-feet of a wetland and Natural Heritage is very close, he thinks a NOI is needed. He requests that the owner install hay bales and submit an after the fact NOI. Other members agree that a NOI is necessary and that work should stop until NOI is reviewed and approved. Hay bales should be installed right away.
- KK gives a NOI packet to the property owner for filing.

PUBLIC HEARING

NOI CONTINUED from 2/15/07: DEP 300-733 for proposed septic system at 258 New Boston Road. Greenhill Engineering representing J. Jolin

DM opens public hearing at 7:25 PM.

No one present for discussion

Discussion:

- KK states that at the 2/15/07 meeting members did not have an issue with the project and were waiting for the DEP to issue a file number. Revised plans have been submitted showing hay bales per her and the DEP request.
- DM reviews the project photos and plan. He states that he has no issues with the project.
- FD makes motion to approve the project and issue an Order of Conditions with standard conditions. DG seconds motion. All in favor: 4/0 to approve.

Hearing closed and approval Order of Conditions to be issued.

7: 28PM Minute Approval

2/15/07 Minute Approval (Reconvened from earlier)

- FD states that he has not reviewed the 2/15/07 minutes. EG states that he has reviewed the minutes and makes a motion to approve as written. DG states that she has a couple of minor spelling edits to incorporate. DG seconds the motion. All in favor: 3/0/1 (FD abstains).

PUBLIC HEARING

NOI CONTINUED from 2/1/07: DEP 300-730 for proposed building and parking lot improvements at 376 Main Street. Baystate Environmental Consultants representing Muratore, Rolila LL. This permit application is a result of an Enforcement Order and violation.

Dm opens public hearing at 7:31PM

Present: S. Riberdy, Baystate Environmental Consultants

Discussion:

- KK states at the last hearing the Commission members requested stormwater management to be incorporated into the project. Revised plans were submitted on 2/26/07 and include a catch basin and perforated storm drains. Also submitted were a cover letter, DEP Stormwater Management Form, and an Operation & Maintenance Plan.
- KK also states that the DPW Director has reviewed the project and supplied comments and concerns – mainly that the catch basin is shown to be where the sewer line is.
- KK expressed concerns with oil, gas, and grease entering the ground water from the perforated drains. Applicant informed her that the catch basin would have an oil/debris “snout”.
- Natural Heritage provided a letter dated 2/23/07 requesting that the hay bales are removed to reduce the risk of invasive species.
- KK reviews the plans marked by Greg Morse, DPW Director with the board.
- S. Riberdy proposes straw bales in place of hay resulting in fewer invasive species. He states that the building’s interior renovations are underway. There may be some updates to the handicap ramp for ADA compliance. They plan on re-paving the parking lot, not expanding. There is a net reduction in impervious surface, even though the hand-cap ramp will be larger. The vegetation in the front of the building will be re-installed and the gutters on the roof will discharge clean water to the stream. There is an existing catch basin in the rear of the building at Yankee Spirits.
- DM asks if Yankee Spirits owns both properties. S. Riberdy responds yes. DM states that the property owner should be looking into improving the drainage of the entire property. S. Riberdy states that would be a significant upgrade and that the owner is focusing on this piece now. He also adds that the bank stabilization will be done in the future.
- DM has concerns with the discharge from the rear parking lot directly into the stream. He states that the bank needs to be stabilized. KK questions the outfalls of the gutters. S. Riberdy states that the gutters will discharge to a concrete pad that already exists.
- EG questions why the bank will not be stabilized at this time. S. Riberdy states that it would require a lot of engineering and that the owner is looking into it for a future project.
- KK questions S. Riberdy about the comments of DPW. S. Riberdy responds that the catch basin can be moved. EG shows concern that the Town Engineer is bringing information directly to them, the applicant should have known about the utilities.
- DM states a new plan is needed showing utilities and EG recommends a site visit. DM also requests spray paint to outline location of catch basin for the site visit.
- DG asks about the “snout” technology. S. Riberdy describes the snout feature in the catch basin. KK comments that this would only be effective if maintained. DM asks who is responsible for maintaining the “snout” in the catch basin. S. Riberdy explains maintenance plan and states property owner would be responsible. DG questions if maintenance once a year would be enough. S. Riberdy responds that there would be monthly inspections.

- FD comments that the improvements look good. DM states that one of his concerns is that only a small section of the property is having improvements. S. Riberdy states that if they were to upgrade the entire property, there would have to be a whole entire new and better system.
- KK reads excerpt from Natural Heritage letter dated 2/23/07 specifying the hay bale removal. Members discuss the erosion controls to be used. S. Riberdy states that silt fence in the rear of the building is okay, but down the banking where the sediment entered the stream they can install straw bales.
- KK states that there needs to be 15 parking spots in front of building per planning/zoning requirements. KK also suggests adding multiple trash receptacles along edge of parking lot to deter trash from being deposited along the bank. DG agrees and also suggests signage-notifying customers of the sensitive area.
- DM states he would like to see a revised plan that highlights all the changes and members need to do a site walk.

Hearing continued to April 5, 2007 at 7:50PM. Revised project plans to be submitted.

PUBLIC HEARING

NOI for SCC 07-06: Proposed Single Family House on a portion of 271 Cedar Street. Coler & Colantonio, Inc. representing Khan Brothers Realty, LLC.

DM opens the public hearing at 7:54PM

Present: S. Campbell of Coler & Colantonio, Inc.
N. Khan of Khan Brothers Realty, LLC.
Abutters

Submitted: Newspaper ad and certified green cards to open the hearing

Discussion:

- KK states that this is the first Hearing on the project and that no work is within the 100-foot buffer zone to the wetland area so the NOI was filed under the local bylaw only. The commission approved the resource areas on the property through the ANRAD process (12/14/05 DEP File No. 300-663). This NOI is for a single-family house with private septic and well. The lot that is proposed for the house has been approved through the ANR process. KK reviews the plans and the conditions of the ORAD with the board. KK states that immediately following the NOI hearing, there will be a presentation of a proposal on the remaining land.
- EG questions if the conditions of the ORAD have been met. S. Campbell responds that some of the conditions have been completed, the vernal pools were observed last spring. EG states that there hasn't been any information submitted to the commission in regards to the vernal pool information.
- DM welcomes abutters to view the plan during the presentation. S. Campbell states that he will give a presentation to include the single-family house (public hearing) and the proposed 4-Lot subdivision (public discussion advertised at 8:05PM), it is easier to look at both projects at once. He states that he would like to get the board's initial comments on the subdivision.
- S. Campbell provides an overview of both the single-family house project and the subdivision project for 271 Cedar Street (4-lot subdivision already shown to the Planning Board). He states that the first two conditions of ORAD have been met and he is seeking approval for the single-family house tonight. He states that a NOI for the 4-Lot subdivision with a wetland crossing and replication will be filed in 4-6 weeks. He also adds that the DPW, Planning Board, and Fire Department have been made aware of long term plan to connect Cedar Street with Arnold Road.

- KK states that one option is for the Commission to put conditions on the single-family house NOI that the ORAD conditions must be met or enforcement order. S. Campbell agrees and that the Commission could hold up the occupancy permit. EG states that he does not like that idea simply because the house may not sell
- EG states that he sees a problem with the board reviewing a new project on the property. The property has been in violation since 1999 and the board has no proof of restoration. There were several problems with the previous owner and the new owners were made aware of all the problems during the ANRAD process. He is concerned that the property owner is asking for something but not giving anything in return—not addressing the violations.
- S. Campbell states that he understands his concerns and that he is willing to accept conditions for a plan to restore the wetlands. He is aware of what needs to be done and would like to start the process with single family house and remaining proposals will fall into place.
- FD states that it is hard to separate the projects. KK responds that the single-family house lot was carved out of the large parcel. FD is interested in seeing a plan for the entire 80+ acres of land to get the big picture. DM states the board should deal with the single-family project first, that was the filing. Members agree that the limit of work is more the 100-feet away from the wetland, so that is not a problem.
- FD states that he is happy with new property owners, it appears that they want to work with the Commission. He sees nothing wrong with only reviewing the single family house project now.
- DG questions the location of leach field. S. Campbell responds that the leach fields must go in that location since that is the area of good soils.
- DM questions if there needs to be clearing all the way to the well location. S. Campbell responds that the property has field and shrubs, the clearing limits can be revised. FD suggests moving the location of the well. S. Campbell agrees that the well can be revised outside of the 200 foot buffer.
- EG states that he would like to hold off on a decision for the single-family house until the previous violations have been addressed. FD sees no reason to prevent the building, no leverage is lost if the Commission has strict conditions. EG has concerns the house will be built and will not sell and the remaining land will be left in violation.
- DM requests to review the area of the wetland crossing for the 4-lot subdivision. He questions why the wetland cannot be restored now with this NOI. S. Campbell states he does not want to restore the area now, only to destroy it again when second phase of building occurs (cul-de-sac for 4 Lots). DM comments that the Order for the single-family house should be strongly conditioned.
- EG inquires about the vernal pool information and why it has not been submitted. DG agrees, it should be submitted. N. Khan (applicant) responds that the vernal pools were verified in Spring 2006. He apologizes and said that he switched companies and thought the information was filed.
- N. Khan states that it is an 83-acre parcel and the approach is to do development in pieces. The market is slow and funding is an issue. He was hoping to get approval for the one lot, he needs the buildable lot in order to proceed with the rest of the project. He states that he will be before the commission in 1 to 2 months with the rest of the project and he knows the restoration will be needed.
- DM states that the board needs to know in writing what ORAD conditions have been completed and for conditions that have not been completed, what is the status of completion. KK reads the conditions of ORAD; vernal pools, stream, and wetland crossing restoration. S. Campbell states that there is another area of the stream that could be crossed that would result in a small crossing. KK adds that restoration of the stream and 3-culverts is to occur regardless of where the crossing is.

- DM would like a written summary of the conditions before voting on the single-family house project.
- DM asks if abutters have any questions (none).
- S. Campbell requests a continuance.

Hearing continued to April 5, 2007 at 8:10PM pending requested information.

PUBLIC HEARING

NOI for DEP 300-732: Proposed single family house and driveway wetland crossing at 130 Brookfield Road. Para Land Surveying, Inc. representing Rearick.

DM opens the public hearing at 8:35PM.

Present: R. Para of Para Land Surveyors, Inc.

Submitted: Newspaper ad and certified green cards to open the hearing

Discussion:

- KK states this is the first hearing on this project. Project includes the construction of a single-family house, driveway, public sewer, private well, in-ground pool, etc. The driveway crosses a bordering vegetated wetland and a 42-in culvert for an intermittent stream. Approximately 1480 permanent wetland alteration and 2960 sq feet of replication is proposed. KK reviews plans with board, she also submits a review Memo to the board and R. Para (dated 3/1/07).
- R. Para states the parcel was subdivided in the early 1980s. Rte 148 was rebuilt moving property lines and reconstructing culvert. The wetland crossing will be at the narrowest point of the wetland. The project includes swapping land with the abutter in order to avoid the 42-inch culvert and stream. The wetland is what extends to the Draper Woods development.
- EG questions if there is access off the right of way. R. Para responds the right of way is old and this is one lot out of the larger parcel. Last he knew, there was no access from the right-of-way.
- DM questions the slope of the property. R. Para responds that the slope of the property is 6 to 8%.
- R. Para states that a public sewer tie in was left and that drilling a well on site is less invasive than public water and sewer.
- FD states that it looks like a reasonable use for 12 acres of land—only one house.
- EG suggests a site visit. DM states that the visit should be sometime in late March to early April. KK agrees and adds that one of her points in her review memo is that the site visit should be done when there is no snow cover and all vegetation is present. The Commission will need to be looking at the wetland crossing and replication area in detail. Also, she adds that she would like to review the delineation flag by flag. DG agrees and states that the wetland is also behind the house location.
- DM questions if flags are still in place. R. Para responds they are and will be refreshed prior to site visit.
- EG asks the applicant if they are aware of vernal pools. KK states that according to MA GIS, there are no mapped potential or certified vernal pools. However, National Heritage mapped estimated and priority habitat is across the street and downstream from the wetland to be filled.
- DM states that a site visit should be done in the spring, he would like to see the centerline of driveway, house and pool to be staked.
- R. Para states that he plans on having a paved apron at the driveway, the gravel through the wetland and 25-foot buffer zone and then continue the pavement. KK states there would be a potential for the gravel to constantly wash out.

- DM states that KK's memo needs to be addressed prior to next hearing.

Hearing continued to April 19, 2007 at 7:50PM pending site walk and additional information.

PUBLIC HEARING

NOI Continued from 2/15/07: DEP 300-729 for proposed single-family house and lot reconfiguration at 116, 118 and 120 Brookfield Road. Bertin Engineering representing Cambridge Properties LLC.

DM opens the public hearing at 8:53 PM

Present: H. Blakeley from Bertin Engineering

Discussion:

- KK states that at the last meeting, board members were concerned with stormwater entering Rte 148 and wanted to do a site visit. Revised plans were submitted on 2/27/07 showing a stone swale, stone check dams, and storm drain chambers. No site visit has been conducted due to snow cover. KK reviews plans with board member and states that the wetland is across the street.
- EG questions the subdivision of parcels. H. Blakely goes over the ANR plan.
- H. Blakely states there is a structure (garage) to be removed from 116 Brookfield Road and that three lots have been split into two buildable lots (one house is existing). H. Blakeley reviews the additions to the plan for stormwater. A culvert has been added to the end of the driveway for the road drainage. The pavement on Route 148 will need to be cut for the sewer and water tie in.
- DM requests a letter from Greg Morse regarding the open cut permit for separation.
- KK asks if driveway is to be paved. H. Blakely states property owner has selected a paved driveway. KK states that the stone swale and other stormwater features will need to be maintained by the owner. FD states that a pervious driveway is preferred over pavement.
- DG comments that a lot of clearing is going to be done and questions if the clearing in front of the house will occur. H. Blakely explains that partial clearing is required, they will have to clear for the utility lines.
- H. Blakely questions if the commission's concerns have been addressed. EG states that he has to see the site.
- H. Blakely asks if property should be staked for site visit. KK asks that culvert and driveway be staked.

Hearing continued to March 15, 2007 at 9:20PM pending site visit.

9:09 PM OTHER BUSINESS

1. Discussion of DEP 300-586, 83 Cricket Drive Extension Request:

- KK states that new owners are requesting a three-year extension to allow for vegetation plantings, however she feels that a 1-year extension is sufficient. The members will want to ensure that the plantings are installed as soon as possible, they were supposed to be done during the construction of the house.
- J. Hazell is present (property owners) and states that they were not made aware of condition until closing. They did not take occupancy of property in time for planting season and did not have outdoor water supply to maintain plantings.

- KK reviews plans with board. She states that the planting plan on the approved plan is fine.
 - DG requests that the owner make sure that the landscaper is aware of the water resources and potential for invasive species.
 - EG makes motion to approve a one-year extension to allow the plantings. FD seconds motion. All in favor 4/0.
2. Discussion of Associate Member:
- FD states he would like Ryan to be an associate member.
 - KK states that members are appointed and that the purpose of associate members is to be the “next in line”.
 - FD states he does not intend for Ryan to ever vote. Ryan could be available to assist the board with site visits, etc.
 - KK states that she will have to check into the procedure.
3. Discussion of Correspondence: DEP 300-505, 102 Gladding Lane:
- KK states that the Commission requested that a NOI be filed within three weeks or fines would be imposed. The deadline was 2/27/07 and she received a letter requesting the NOI filing deadline be 3/20/07 due to septic investigations with the Board of Health. KK states she has no issue with granting a NOI filing extension, but the response letter should clearly state that erosion controls should be re-installed and no work is to occur since there is no valid order.
 - EG states that the new plan should highlight what has changed from the original plan.
 - DG states there is a large sand pit on the property, KK answers that is where the garage is supposed to be.
 - DM suggests a letter is sent with a deadline of 3/23/07. If conditions are not met then fines will start. Members all agree.
 - KK states there are changes due to storm water issues and septic work.
4. Discussion of tree removal at 19 Long Avenue:
- KK states this is a request to remove two pine trees within 10-20 feet of Cedar Cove. KK reviews photos and reads email request. KK and DG visited site on 2/23/07.
 - DM states that according to the photos, there is no disease or decay and removal would impact the lake, natural wildlife habitat, and would most likely cause erosion.
 - FD states that removal would impact the temperature of the water and impact fisheries.
 - DG states that the trees were large and that she saw no reason for removal.
 - EG makes a motion to deny the tree removal. FD seconds motion. All in favor: 4/0 to deny the tree removal request.
 - KK will send a letter stating reasons for denial.
5. Sign Permits: DEP 300-506 Turner Lane Extension

6. Executive Session:

DM makes a motion to end the public hearing discussion and reconvene into Executive Session.

Role Call at 9:35PM: EG, DG, FD, DM

Public Meeting adjourned at 9:35 PM