

## **STURBRIDGE CONSERVATION COMMISSION Meeting Minutes for Thursday May 17, 2007**

### **7:12 PM: Open Meeting**

Members present: David Barnicle (DB) Chairman, Ed Goodwin (EG), David Mitchell (DM), Donna Grehl (DG) and Frank Damiano (FD) at 7:34PM  
Kelly Kippenberger (KK), Conservation Agent  
Laura Hunter for Minutes

### **CPA and Zoning Study Committee Updates**

- EG states the river-land property (Holland Rd and Stallion Hill Rd) is still held by the previous owner and not the Town.
- DG states the ZSC has been discussing and analyzing the zoning along Route 20 and the waterfront areas.

### **Minute Approval**

- KK states that DG and DB submitted minor grammatical and spelling edits to the 4/19/07 minutes. DG makes a motion to approve the 4/19/07 minutes with the minor edits incorporated, EG seconds the motion. All in favor: 3/0/1 (DM abstains).

### **PUBLIC HEARING**

**NOI CONTINUED from 5/3/07 for DEP 300-736: Aquatic vegetation herbicide treatment for Walker Pond. Lycott Environmental, Inc. representing Town of Sturbridge c/o Walker Pond Lake Association.**

**DB opens public hearing at 7:15 PM.**

**Present: M. Macerio of Walker Pond Lake Association (7:20PM arrival)**

### **Discussion:**

- KK states the 5/3/07 hearing was not advertised in the newspaper as required. The Commission allowed the hearing to open as long as the 5/17/07 hearing was advertised correctly and the 5/3/07 minutes were read at the start of the tonight's meeting. KK received proof of the advertisement on 5/10/07. The draft 5/3/07 minutes are to be read.
- DB asks if any abutters or interested parties are present. No one responds.
- L. Hunter reads a draft version of the 5/3/07 minutes. (M. Macerio enters meeting while minutes are being read).
- KK states Lycott Engineering submitted the requested material on 5/17/07 that included a cover letter listing the poster locations; the GPS coordinates for Figure 3, revised treatment map Figure 1, revised table removing the Bridle shiner and Lycott qualifications. She continues that she has no problems with closing the hearing and issuing an Order of Conditions with the standard weed treatment Conditions.
- M. Macerio states that he is representing the Lake Association and asks if all the required information has been submitted.
- DG asks about sending postcards to all Lake Association members about the lake treatment. M. Macerio states there are many locations where notices are posted; the

bulletin board at the entrance to the Walker Pond area, the beach areas and the boat ramp. He states the signs will let residents know the water is being treated and there should be no swimming, etc.

- DM asks KK if she has received all the necessary information. KK states she has.
- DM motions to approve with the standard weed treatment conditions, similar to Cedar Lake and Big Alum. DG seconds motion. All in favor: 4/0.
- DG states the Order of Conditions will be issued in time for testing to be done as scheduled.

*Hearing closed and approval Order of Conditions to be issued*

**APPOINTMENT: Property Owners for 83 Cricket Drive: Planting Plan, DEP 300-586**

**Time: 7:26PM**

**Present: J. Hazel, property owner**

**Discussion:**

- KK states the Commission issued an Extension to the Order of Conditions to allow for plantings. Owner is requesting clarification from the Board with regards to where the plantings are to be located. The plan states that it should be in the front of the house, however the erosion problem is near the driveway. KK states she informed the owner that it should be near the driveway, owner requested clarification from the Board.
- Board members review the approved plan dated 3/25/04 and photos from 4/27/06.
- DM states the side of the driveway is where the problems are. The landscaping should address the areas with erosion problems
- J. Hazel states that landscapers were at the house and were wondering where the plantings were supposed to go.
- KK reviews plan with board to determine the best place for the plantings. She states there are boulders along the driveway and discusses which type of plants should be in this area (arborvitae and pachysandra.)
- DG questions if there are any special conditions that require the plants to be established
- J. Hazel states 80% of the slope is currently stable and asks how dense the pachysandra should be on the slope. He asks if one plug per yard is sufficient.
- DM states he hopes the landscapers will address the erosion issue. J. Hazel states there will be topsoil and mulch.
- DB states there are two areas where water is draining and asks if water can be diverted until the plantings are established. KK states that adding rip-rap stone should help slow the velocity of water.
- J. Hazel states there will be pachysandra in the two problem areas and arborvitae along the top of the driveway in between the rocks. Members are fine with this. He asks if there is a height requirement for the arborvitae.
- DB states spreading juniper would also work in these areas.
- EG states it is expensive to get it to the proper density needed to address the problem. J. Hazel states he just wants to get it done right the first time. (7:34PM – FD arrives)

- DM tells J. Hazel that he would have to return to the Commission for the Certificate of Compliance and that it will not be issued until the plantings have established.
- DB states the Board cannot address what and where to plant. He states the landscapers should do that. KK adds that the Commission is concerned with the erosion problems and that the landscaping should really address the erosion.
- J. Hazel asks if he must inform the Board once the plantings are in. DM states they will need two growing seasons to establish. J. Hazel states that in the Order of Condition he was to inform the Commission when the plants were in place. KK states that was part of the extension. If the office is notified, she can perform an inspection with photos.
- Commission members decide that rip-rap stone in the areas of the erosion with pachysandra would be good. The pachysandra should be planted densely enough to help with the erosion problems. Arborvitae along the top of the driveway is to be shown on the plan (in between the boulder rocks).
- DB asks about the drainage at the end of the driveway and the catch basin. J. Hazel responds the drainage is great and there is no water in the garage. DB states the Commission suggested the catch basin to collect the water. J. Hazel states that he cannot imagine the water problems if the catch basin was not there.

### **PUBLIC HEARING**

**NOI CONTINUED from 4/19/07 for DEP 300-731: Proposed single family house at 70 Westwood Drive. Green Hill Engineering representing Scott Simpson. This NOI replaces DEP File No. 300-672.**

**DB opens public hearing at 7:40PM**

**Present: M. Farrell of Green Hill Engineering  
S. Simpson, property owner**

### **Discussion:**

- KK states that revised plans were submitted 5/17/07 and a house profile was submitted 4/19/07. SCC members visited the site on 4/22/07, and KK visited on 5/16/07 (shows photos). KK's outstanding concerns include moving the house further from the lake because of the steep slope, construction and earth moving and tree clearing on the steep slope.
- KK states she is very concerned with the construction phasing of the house. Stabilization of the steep slopes is key for construction and she is not comfortable with the present plans. KK states she visited the site yesterday with Green Hill Engineering. She reviews the plans and the photos of the slope and the tree removal with the Board. KK states that she does not agree with the vista pruning that is stated on the plan—the proposal is actually to removal large trees that were flagged in the field.
- DB states the plans specify “vista pruning”. He informs M. Farrell that he does not agree that tree removal is vista pruning.
- DG questions how many trees are to be removed. M. Farrell states all trees within the hay bale line and that the property owner marked five to six trees to be removed for vista pruning, none within the 25-foot buffer. DB questions the size of the trees to be

removed. KK states that the trees are the largest in the area. M. Farrell states that the trees are about 12 to 18-inch DBH.

- FD states the situation has not improved for the wetlands but is now worse with the tree removal.
- M. Farrell states the house was moved back 15 about feet per the request of the SCC at the site walk. S. Simpson adds that the stairs going to the water were relocated to minimize mountain laurel disturbance.
- M. Farrell states the “Gayhead” stairs will be built on sonatubes and held above the soil so there will be less of an erosion issue.
- KK states she has issues with visualizing the construction. Especially building a large retaining wall to hold back the hill, once the hill is cut. The retaining wall is part of the house foundation—a lot of material is to be removed. If the construction is not done properly and by a good contractor, then there will be violations.
- EG asks about hill and if there could be less cut and fill. He continues that the stairs could be moved to an area that exists as a path.
- KK asks about the footpath to the water. M. Farrell states it will weave through the mountain laurel and would be a wood chip path. Members request to review the plan to see the location of the proposed stairs and the footpath.
- FD asks the Board if they are enforcing the slope bylaw. Members question why they should not enforce the slope bylaw.
- KK states that there are alternatives to the project that involve less disturbance. For example, the garage could be moved to the front of the property where it is flat and be unattached to the house.
- DM asks what is between the garage and the house. S. Simpson responds there is an entry way and mudroom. M. Farrell states there is one continuous basement. S. Simpson states there is a full basement under the garage.
- KK comments that a full basement means a lot of material being removed. She questions if the material is going to be loaded onto a truck or stockpiled.
- DM states that he is in favor of moving the house back from the Lake, but he can understand why the owner wants the house on the Lake—but sometimes the land just doesn’t allow it. The construction of the house is very complex and asks for detailed construction phasing. M. Farrell discusses phases for the full project.
- DM questions when the walls would be installed. M. Farrell states the walls are to stabilize the area and create a terraced area. DM and M. Farrell review and discuss the plans.
- KK states there was a project on Goodrich Road that had a steep slope and included phasing plans. DB states the current location of the house needs to be approved before the Commission can even considering reviewing the phasing.
- DM states they will entertain tree removal in the vista area after the area is stabilized. M. Farrell states they will wait until the house is built before building the Gayhead stairs.
- DG states they do not need another green lawn leading to the lake.
- DB states there was an agreement between the previous owner and the Selectmen about moving the house back for the sewer tie-in. He continues that he is opposed to the project because they are cutting off the top of the hill for the house when there are alternatives. He has a problem with the Gayhead stairs having such a long distance to the

lake. He states they need stabilization while the house is being built because of the steep slope. DB states “move the house or no permit”. He will not grant an exception to the 8% slope bylaw.

- DG asks KK about the 8% slope. KK reviews the 8% slope provision (Section 6.1 of the Regulations). KK states that it is a provision in the wetland regulations, not the wetland bylaw.
- FD requests clarification of the 25 and 50-foot buffer zone with the 8% slope. KK re-reads the slope provision and explains that she believes the intent of the slope provision was to protect the slope and to keep the slope intact. Having a 25-foot no touch from the top of the slope helps maintain the slope and protect the resource from potential erosion.
- KK asks M. Farrell about the slope on the property. M. Farrell states that the slope is greater than 8%. KK reviews where the buffer lines would be on the project plan in accordance with the slope provision.
- FD states the original plan with the previous owners met the conditions. M. Farrell states the lake can be protected and still allow the property owner use of his property.
- DM states that at the site walk they estimated 15-feet (+/-) would be sufficient for moving the house back. EG recalls this with DM. DM states that it was his opinion at the site walk.
- DB asks other members if they are comfortable with where the house is located or should the 8% slope provision come into play. EG states the current plans show resistance to protecting the slope and he is a little closer to approving the project. He does have concerns with the retaining walls and the 50-foot no new structures.
- DG adds that she is concerned with the drainage and the tree clearing. She is also very concerned with the amount of proposed lawn.
- DB states the first plans talked about selective pruning but there are trees marked for removal and that is not “selective pruning”.
- KK states she still has slope concerns and believes there are alternatives to minimize impact. M. Farrell states he added erosion control and documentation. DB states they are “chopping off the top of a hill to build a house”.
- FD states that he is sensitive to the fact that the owner would like to utilize the property. He continues that he could allow the house where it is if there is no tree removal, a strict phasing plan, maybe a bond in place and no lawn—all disturbed areas should be returned to the original state.
- DM motions to allow the house location where it is and construction conditions will be determined. No second to the motion.
- M. Farrell states he does not appreciate being chastised by the chairman. He continues that the property owner wants to put the house there and will accept conditions on tree removal and landscaping.
- FD states it is more than just trees and landscaping. He continues that there needs to be a diligent phasing plan and he would like to see a bond or guarantee in case of a disaster.
- KK states the Board issues 15 to 20 Enforcement Orders per year due to construction violations and “field changes”. She states they need a detailed construction plan before construction begins.
- DM withdraws motion.

- EG states he would like the applicant to come back when they have made progress with the phasing plans. The project will not be approved as is. DM states it is a workable site but additional information is needed.
- M. Farrell requests a continuation. He states he recognizes this is a critical site but feel it is a doable project.

*Hearing continued to June 21, 2007 at 7:50PM pending additional information.*

## **PUBLIC HEARING**

**NOI CONTINUED from 4/19/07 for DEP 300-735: Proposed property improvements at 102 Gladding Lane, related to DEP 300-505. Jalbert Engineering, Inc. representing G. Pelski.**

**DB opens public hearing at 8:16PM**

**Present: D. Roberts of Jalbert Engineering, Inc.**

**E. Neal of Neal Law Office**

### **Discussion:**

- KK states that this is the second hearing on the project and that she was not present for the first meeting. No new information has been submitted. There are 4 plans for this project: Sheet 1 is an Existing Conditions plan that shows what was built under DEP 300-505, Sheet 2 is the Proposed Septic System Plan, Sheet 3 is the Proposed Site Plan, and Sheet 4 is Construction Details. A waiver from the 50-foot buffer is requested for the proposed garage, proposed patio (1 of 3) and for concrete stairs already existing. A planting area is proposed for mitigation. A septic system upgrade is requested, but there is no approval from the Board of Health and she is not sure if the upgrade request meets Title V since it is a new house. She has spoken to the Agent but has not heard back from him. She states she has outstanding questions about the groundwater on the property.
- KK reviews plans and photos with the Board and requests clarification on the groundwater. She points out some erosion on the photos and discusses area with groundwater and “perc” tests.
- DB asks about the concrete steps. KK states the steps are not on the old plan originally approved and are within the 50-foot buffer.
- KK also asks if the existing trees in the planting area are staying or being removed. She also has questions regarding the three PVC pipes being discharged to the lake.
- D. Roberts discusses the pipe locations on the plans. He states the inlet is shown 100.86 and the outlet is shown as 98.29. KK asks if they are collecting groundwater. D. Roberts states there is a catch basin on the old plan. KK asks if it has been removed. D. Roberts responds yes and there was a 6-inch pipe abandoned in place.
- DG states the catch basin was put in for a reason. D. Roberts states the previous owner put catch basins wherever they did not want standing water.
- DB states they are in violation of the 50-foot buffer. E. Neal states the stairs were always part of the project.
- DM asks why the garage is within the 50-foot buffer and asks if it can be moved. D. Roberts states that the garage is where the owner would like to have it.

- DB states they need to look at the garage and the patio together. KK states that previous plans show the wet area as a vernal pool. D. Roberts states it is not a vernal pool because there is an outlet. KK states that vernal pools can be certified even with an outlet. There needs to be obligate breeding features.
- DM discusses proposed plans and the buffer zones.
- EG asks where the Board of Health stands on the septic system. D. Roberts responds he has not heard back from the Board of Health and that “perc” tests revealed ground water 30-inches below the surface.
- DM states he would like to see the garage moved outside the 50 foot buffer. He also states he wants to see approval from the Board of Health on the septic system and states that the planting area should be closer to the Lake. He comments that he needs to visit the site again, it has been awhile. EG agrees.
- DB questions if the septic system is marked in the field. EG asks if the wetlands are marked. D. Roberts states everything is marked.
- KK asks if the proposed septic system is one that minimizes disturbance, trenches vs. beds. D. Roberts states that either type of system will cause disturbance since it is a raised system.
- E. Neal requests a continuation. D. Roberts states they will look at possibly moving the garage location after the site visit.
- DG asks about drainage on the driveway. D. Roberts describes a “scour stop” to create a barrier and hold the soil in place allowing vegetation to grow. He compares it to pavers.
- DB states there will be a site visit Saturday.

*Hearing continued to June 21, 2007 at 8:10PM pending a site visit.*

### **PUBLIC HEARING**

**NOI CONTINUED from 4/19/07 for DEP 300-740. Proposed 4-lot subdivision at 271 Cedar Street. Coler & Colantonio, Inc. representing Khan Brothers Realty. This project is related to DEP 300-663 and SCC 07-06.**

**DB opens public hearing at 8:38PM.  
No one present.**

### **Discussion:**

- KK states she wrote a review memo and submitted to SCC members and the applicant on 5/15/07. She states she received a request to withdraw the NOI application without prejudice on 5/17/07 from Coler & Colantonio, Inc. KK reads the request. KK states her recommendation is that the Commission accepts the withdrawal and approves rolling over the filing fees paid to date.
- DG motions to accept the withdrawal and agrees to roll over the filing fees. DM seconds the motion, all in favor: 5/0
- EG states that his main concern is the seven-year-old violation. The amount of fill used is over 5000 sq.ft.
- KK states that the Order of Conditions issued for the ANR lot includes the restoration of the wetland crossing. KK states the restoration plan must be submitted before construction of the single-family house.

- EG states he wants remediation complete before the 40-lot subdivision comes in.
- Other members state that previous owners did the violations and that restoration must be done in the new NOI.
- KK states that how the Order of Resource Area Delineation was written was to require restoration of the stream and wetland through the NOI process.

*Hearing closed and NOI application withdrawn without prejudice.*

## **PUBLIC HEARING**

**RDA for SCC 07-11: Proposed geothermal well at 186 Lake Road. Freedom Energy Systems, LLC representing the property owner, J. Field.**

**DB opens the public hearing at 8:46PM.**

**Present: T. Szkoda of Freedom Energy Systems, LLC.**

**J. Field, property owner.**

**Newspaper ad and abutter notification certificates submitted.**

### **Discussion:**

- KK states this is the first hearing on the project, which includes installing a geothermal well (500-feet) to heat/cool the house. A letter was submitted with the filing and the Applicant is looking for a negative determination that a NOI will not be required. NHESP gave clearance on 5/14/07 that it will not impact the species. The work is on the roadside of the property, however the question is will the geothermal well impact the groundwater over time. The well is being used to heat and cool the house. The Board of Health is also reviewing the application and has some questions to share with the Commission in a Memo received 5/14/07.
- KK reads the memo from the Board of Health.
- T. Szkoda addresses Board of Health concerns regarding contamination and states it is nearly impossible.
- DB asks how it can be impossible. T. Szkoda describes the properties of the geothermal well. He states the wells have water heating through a circuit and the parts are registered with the Massachusetts Department of Plumbing. He continues that even if the well were to freeze, the refrigerant would evaporate into the atmosphere and that the mineral oil used as a lubricant is non-toxic.
- T. Szkoda states the model of the well has not been determined but when it is it will be submitted to the Board of Health.
- FD states that the closed geothermal well system pumps water. T. Szkoda responds that the closed system is for the refrigerant. He submits a brochure and information on the well systems and discusses the properties of the well and its components.
- FD asks why they are using a standard well instead of a closed circuit method. T. Szkoda responds that the closed circuit systems require 6' deep trenches and the lot size cannot accommodate this.
- FD asks again why they selected this method, since there are other alternatives. DB states they can only discuss the method that is proposed. FD states that of the three



geothermal well systems and the proposed one could have the most potential effect on the environment. FD is concerned with the change in temperature of the water table.

- FD states that he did some research on the geothermal wells and the impacts were inconclusive. He is concerned because the model that is proposed is the only model that could possibly effect the aquifer temperature.
- T. Szkoda states the water is pumped out of the well at about 50 degrees and enters the house, goes through the heater where the energy is lost to the conduit; the water leaves the house at 40 degrees or approximately 8-12 degrees cooler than when it entered the house.
- FD questions what happens when cooling the house; he asks if the water would leave the house at a higher temperature and how would it affect the groundwater. T. Szkoda responds that the temperatures in the well are controlled. FD states there are potential impacts to using this system.
- FD states that of the three geothermal well methods, this one is the riskiest and the cheapest. DB asks about the risks. FD responds that there is a risk of temperature change to the water. DB asks about the overall impact. FD responds the change in the water temperature will have an impact to the environment.
- T. Szkoda describes the technology of the geothermal well and the low impact of the system.
- EG asks if there is a closed loop for the water. T. Szkoda states it is an open loop, but functions as a closed loop.
- DM asks if there are anti-corrosives added. T. Szkoda responds there is a copper-nickel heat exchange. DM asks if this will change the pH of the water with the iron content. T. Szkoda responds he does not believe iron will be a problem on this site and at this depth.
- FD asks if there is bleed off. DB asks how much bleed off there could be. T. Szkoda states that about 10% of the total water will be in the bleed off.
- DM asks how many gallons the 10% will be. T. Szkoda replies it could be 100-300 gallons per day for discharge, depending on the use.
- DM states there needs to be some focus on the discharged water, how it is treated, and the size of the drywell necessary to accommodate the discharge. T. Szkoda responds that the drywell was designed in standard fashion based on the “perc” rates of the soil and that the existing well on the property receives all the flow. DM is concerned with the water quality at 500-feet below the surface
- DM asks if the dry well will accommodate the overflow in the winter with the water at 40-50 degrees. FD asks about adding a second well. T. Szkoda replies the size of the existing well is accurate. DM is concerned with the bleed off discharging directly into the Lake. DM feels as though calculations and “perc” rates are needed. What about under winter conditions with snow and ice?
- DM states he would like more information. FD states he would like an analysis on the other systems
- EG asks what refrigerant will be used. T. Szkoda responds there are two types that could be used in this system.
- FD asks if there can be an alternatives analysis for the systems that do not require a discharge.

- KK reminds the Commission that a RDA was filed requesting that a NOI is not needed. If the SCC feels an NOI is necessary then a positive Determination can be made. DM states that he does not feel a NOI is needed.
- DG asks how far the system will be from the lake. T. Szkoda reviews the sketch with DG.
- DM states that the Board supports Mr. Field's efforts, but there are concerns about the discharge so close to the lake. DG agrees that a geothermal well is a good thing.
- T. Szkoda asks the board what the concerns are with the temperature of the water. FD responds the concern is with the temperature of the bleed-off. DB questions SCC members if an NOI is not needed. Members agree that the project can be reviewed through the RDA.
- T. Szkoda asks for a continuance and states that the alternatives can be submitted.

*Hearing continued to June 21, 2007 at 8:30PM pending additional information.*

### **PUBLIC HEARING**

#### **RDA for SCC 07-10: Proposed garage removal and new parking at 20-22 Mt. Dan Road. Weir Engineering, LLC representing the Daleys**

**DB opens the hearing at 9:20PM**

**Present: T. Smith of Weir Engineering, LLC.**

**Newspaper ad and abutter notification cards submitted.**

#### **Discussion:**

- KK states this is the first hearing on the project, which includes removing a garage, increasing the gravel parking area, cutting back the slope and installing a sub-drain. She adds that members have been to the site. The work is outside of the 100-foot buffer zone and on the opposite side of Mount Dan Road from the Lake. The Applicant is looking for a negative determination that a NOI will not be required. NHESP gave clearance on 4/18/07. KK has no concerns with the project as long as proper erosion controls and stabilization is implemented. KK does question the stock piling and removal of materials. KK reviews plans with the Board and has photos from 3/12/07.
- T. Smith states there are 87 cubic yards of material to remove, which will be excavated and loaded onto trucks. He states any stockpiling will be done on lot 20, which is owned by the Daleys.
- DM asks if there has been any thought given to traffic during this project. T. Smith states he would like to minimize the time for excavation by loading directly into trucks on Mt. Dan Road.
- EG asks how the slope behind is going to be maintained. T. Smith states the slope behind will be graded and erosion control blankets will be put in place.
- DM asks if the parking lot is an existing lot. KK replies that one house has a garage and the other has a parking area.
- DG asks if there will be a new garage. T. Smith states there will not be a new garage, the owners want more parking.
- DM states they should install erosion controls first.

- DG asks about the maintenance of the catch basin. T. Smith states the Mt. Dan Association maintains the catch basin.
- KK asks about the steps of the project and if the garage removal will be first. T. Smith describes the order of events to the project.
- KK states she would like to see erosion controls installed closer to the garage. T. Smith states the road has a 6 inch crown and all water is stopped by the road.
- DG states she agrees with KK about hay bales. KK asks if there will be erosion controls with seed or an erosion mix. T. Smith replies yes.
- KK states they will need a demolition permit and a Board of Health permit for abandoning the well.
- FD motions to issue a negative determination with standard conditions. DM seconds: All in favor 5/0

*Hearing closed and a Negative Determination to be issued.*

### **PUBLIC HEARING**

**NOI for DEP 300-738. Proposed septic system repair/upgrade at 28 Woodlawn Drive. Green Hill Engineering, Inc. representing the Sparrows.**

**DB opens public hearing at 9:35PM.**

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

**Newspaper ad and abutter notification cards submitted.**

#### **Discussion:**

- KK states this is the first hearing on the project, which includes septic system repair/upgrade. KK states she visited on 5/16/07 and shows photos to the Board. She continues that the area of the new septic system exists as lawn with some ornamental trees and one large maple. It was indicated that the owner wants to keep trees. She has no issues with the project, as long as the erosion controls are maintained and that extra controls are installed near the driveway with no stock piling on the driveway.
- KK reviews plans and photos with the Board.
- DB asks if abutters are present. No one responds.
- DM asks where the existing system is located. M. Farrell points to the location on the plan, it is an estimated location. KK states it is near the new system.
- KK questions if there is Board of Health approval, M. Farrell claims there is.
- EG motions to approve the septic repair with standard conditions. FD seconds. All in favor 5/0.

*Hearing closed and Order of Conditions to be issued.*

### **PUBLIC HEARING**

**RDA for SCC 07-12: Proposed removal of a portion of the garage at 53 Caron Road. Applicant is the property owner: R. Cottone. The submittal is a result of a Zoning Court Order.**

**DB opens public hearing at 9:40PM.**

**Present: R. Cottone, owner**

**Newspaper ad and abutter notification cards submitted.**

**Discussion:**

- KK states this is the first hearing on the project, which includes removing a portion of a garage as determined by Court Order. KK visited property on 5/17/07 and has photos. The Applicant is looking for a negative determination that a NOI will not be required. Applicant has mentioned leaving the retaining wall, but the Zoning Board says the structure has to be brought back into compliance with a 15 ft set back. KK states that erosion controls at edge of pavement may be needed and she questions how will the cut bank be stabilized? Town Planner wrote a letter on 5/14/07 that KK shares with the Board.
- R. Cottone states that he is no longer leaving the retaining wall.
- DM asks if there is a catch basin. R. Cottone replies no. KK states there is one across the street in front of the neighbors house (Chamberland)
- DG states the area looks very flat. KK states it is flat but paved and there is a catch basin up further on the road.
- DM asks about rebuilding the structure. R. Cottone describes the demolition. DM asks if it would take three weeks to a month. R. Cottone replies it would take over a month.
- DG asks if he will be leaving the wall. R. Cottone states he is leaving the wall until the structure is complete. DM requests that the demolition is done in phases, the first phase should be to cut the floor and build the new footing and walls. The second phase should be removal of the wall to bring into compliance.
- KK asks about the plan from the original NOI. R. Cottone states the town must have it. KK checks the files and states that it is archived.
- EG motions to issue the negative determination with the addition of erosion control blankets on the slope.
- KK states that the Building Inspector has been issuing daily fines until the structure is removed. The owner was given the court order several months ago and has yet to do the work. The garage has been in violation for years.
- DG seconds motion. All in favor 5/0 of negative determination with a) addition of erosion control blankets at back slope; b) phasing of retaining wall removal.

*Hearing closed and Negative Determination to be issued with conditions.*

**9:54PM - Old/New/Other Business**

**1. 31 Bennetts Road – ENFORCEMENT ORDER**

- R. Desmarais, contractor, and M. and K. McKnight, property owners are present.
- KK states the Enforcement Order was issued on 5/7/07 due to excavation at tight tank location. A pump installed in violation by previous owners was removed. New owners were experiencing the alarm for the tank going off constantly, found out it was because ground water was filling the tank. New contractor exposed and sealed the tank properly and removed the hose that was pumping the ground water into the wetland swale. KK believes the site has been stabilized however she has not visited since the Enforcement

Order was issued. New owners should be aware of all the issues occurring on site. The Board of Health did not know what was going on. The Enforcement Order is still in effect. KK adds that she spoke with the contractor and the hay bales have been put in place and the area is stabilized.

- DM asks if the tight tank is acting as a tight tank. DB states that Jalbert Engineering claimed to have sealed the tank properly.
- DM states that the area needs to be stabilized if the work is done, re-loam and seed.
- R. Desmarais states the tank was sealed but never raised to the grade, so the water formed puddles and seeped into the tank. DB asks if the tank is sealed now. R. Desmarais replies yes it should be working properly now.
- KK states the other issue is the driveway.
- M. McKnight states he was not aware of any violations with the driveway or the tight tank. On the day of the closing he arrived at the property and an alarm was going off so he contacted the previous owner who told him it was the tight tank. He states that the tank has been pumped four times since April 4, 2007.
- KK states there was a request for a Certificate of Compliance but since the driveway was in violation, no Certificate of Compliance was issued.
- DB states the plantings were supposed to take place and pipes on property were supposed to be identified on the plan. He also states the previous owners walked away from the property without meeting any of the conditions.
- KK questions the SCC if the planting mitigation for the driveway should be required for the new owners.
- DG asks the owners how they were able to purchase the property without a Certificate of Compliance. KK states that a property can be sold without a Certificate of Compliance, it is the attorney's responsibility to let the new owners know about the outstanding conservation permit. M. McKnight states the lawyer did not catch it. DM asks if there is any legal recourse. M. McKnight states he will read the old minutes.
- R. Desmarais states the house needs gutters, there is also water in the basement.
- DM states he would like to visit the site on Saturday.
- KK suggests that the property owners set up an appointment to review all the files pertaining to the property.
- DG informs R. Desmarais that he cannot work so close to a water resource without getting approval. He agrees and did the work to fix the situation.
- M. McKnight asks if the outstanding issues are the circular driveway, the plantings, and the pipes.
- DB replies yes and states there are a lot of drainage issues and pipes on the property.
- Discussion continued to allow for a site visit.

## **2. Status of 246 Fiske Hill Road ENFORCEMENT: DEP 300-677**

- Abutters C. Silvestri and A. Szumalis present for discussion.
- KK states there is no update as she is waiting for the 3<sup>rd</sup> party review. She states that nothing has been submitted and she followed up with a letter after last meeting. KK reads from follow-up letter.
- DB states the letter was sent two weeks ago. KK states the letter was sent on May 7, 2007.

- KK states she spoke with K. Rabbit and he had visited the site but she is unsure if he has been contracted for the monitoring position.
- KK states she observed work at the site on Tuesday and immediately called the contractor. She was told they were preparing for the storm and the sediment had been moved away from the hay bales.
- DB states he visited the site on 5/11/07 after the contractor left and saw no sign of work that includes removing sediment away from the hay bales. He adds that a trench was dug—about 4 feet deep and there was water flowing in the trench. He believes that the trench is where the third culvert is supposed to be.
- A. Szumalis reviews photos of his property with the board and states there is a lot of water on his property that was never there before.
- DM asks KK about sending a warning letter to the contractor and would like to visit the site on Saturday.
- KK states the contractor stated it was “in his best interest” to get going on the project. She continues that she thinks the letter should indicate that all work must stop and a 3<sup>rd</sup> party reviewer must be hired. She recommends issuing fines if the work does not stop since there is an Enforcement Order.
- EG states the project plan was poorly designed.
- DB states he would like to contact R. Para regarding the site being unbuildable and ask him to address the Commission on all the issues.
- EG asks about the time frame for the fines. DB believes that one more week should be enough time. If there is no 3<sup>rd</sup> party monitor by Thursday of next week, there will be fines. KK states she will write the letter and fax it tonight. She clarifies that the Commission is requesting a third party monitor and a report by next Thursday or fines will be issued. All Members agree.
- KK states she will visit the property on Monday and check the erosion situation.
- A. Szumalis states they need a new plan; the plan that Para Land Surveying did does not work and that the land has changed.
- EG states that one of the problems is the material being used for the driveway, it is clay-based gravel.

### **3. Discussion of 19 Long Avenue, Tree Removal**

- J. Germaine, property owner is present for discussion.
- KK states a letter was received from the property owner on 5/7/07 stating that he would like to remove the two trees, leaving the stumps in place. He is willing to plant new plantings to replace the trees. KK informed him that if the Commission approves the removal, the Commission would need specific species type and number of plantings.
- KK states the letter is in response to a letter sent 4/25/07 denying tree removal. She continues that Greg LeBlanc previously met with the Commission on this topic (4/5/07 hearing) and the Commission denied the tree removal. A letter was received from J. Seguin about the condition of the trees.
- J. Germaine states he is not looking to gain more space, he feels the trees pose a safety issue. He understands the Commission’s role to protect the Lake.
- FD states that the Commission needs to be careful about allowing tree removal around the lake. J. Germaine states the condition of the trees was brought up years ago, but he

was financially unable to take care of it and now the tree is a safety issue. He continues that he contacted Greg LeBlanc from Northern Tree Service about the tree removal. When the Commission denied the request, it was suggested that a statement from an arborist was submitted—that is the letter from Seguin.

- KK states the Commission denied the original request. She continues that emails were received for a letter permit request and that the Commission has requested additional information.
- DB states that he thought the most recent letter could be the letter permit request. KK states that the most recent letter is requesting the removal of the trees (not trimming the tree as previously asked). DB states that the property owner is willing to replenish the vegetation with plantings. After reviewing the photos, the trees appear to be close to the house and removing them does not provide a better view of the lake.
- FD motions to approve the letter permit to allow the removal of trees without stumping and to add plantings in the 25-foot buffer. DM seconds motion.
- J. Germaine asks if arborvitae would be sufficient. DM and KK both state they should add a naturalistic buffer.
- EG states that he is very concerned with the removal of the trees. It is going to impact the Lake, impact the shading and fish.
- EG states that the trees are not rotten, and not damaged. There is no reason to take down the trees. DB states that one tree appears to be damaged in the photos.
- DM states that the owner should get permission from the abutters to remove the trees.
- KK states there is a motion to approve the letter permit for removal of both trees and include mitigation.
- DG asks about comments of J. Seguin. KK reads letter dated 4/12/07.
- EG asks how long the house has been there. J. Germaine states the house was deeded in 1912 or 1913 and the trees were probably planted then.
- Vote to approve the tree removal through letter permit and require mitigation plantings All in favor: 3/2 (EG, DG oppose).
- J. Germaine asks when this needs to be done. KK states the permit will be good for 6 months to one year and that winter will be the best time, but the plantings should be done as soon as possible. KK adds that the letter permit will specify the planting requirements.

#### **4. Planting Plan for 21 Valley Road, SCC 06-31**

- KK states she received the planting plan on 4/27/07 and she has no problems with it. KK reviews photos and planting plan. KK states the owners came in front of the board to install a dock through the RDA process. The dock work is complete and it is stable. She continues that part of the RDA was to submit a planting plan for the 25-foot buffer. The proposed planting plan includes irises, day lilies, and azaleas.
- DG states that natural buffers along the lakes do not include irises and azaleas. DB states that he would like to see good habitat plants installed.
- KK states that the same property will be submitting a NOI for house reconstruction. It is currently in front of the ZBA for review.
- DG asks that the plan be revised so that it is not just a garden. DB agrees it needs to be a natural habitat, not a garden. EG states it should be less ornamental and more habitat creating.

- KK to send letter requesting more naturalistic plantings.

**5. 92 Paradise Lane: Letter Permit for dock.**

- KK states she has no issues; the permit is to replace a deck with new material, no expansion. She shows photos of the property from 5/10/07.
- DB asks who the applicant is. KK states there is a new owner, Nathaniel Daly. She continues that the deck materials are being replaced and the contractor is taking down the old materials, installing new footings and replacing the decking with new materials.
- KK reviews the photos with the Board.
- DB asks if they are digging new footings. KK replies yes. DB asks if they are using the same holes for the new footings, KK states she does not know. The footings are to be in compliance with the Building Code—he will need a building permit.
- EG states that if they are replacing the deck they will need corner posts and new footings. DB states they may need additional footings.
- DM states there should be no stockpiling within 50 feet of the lake.
- DM motions to approve letter permit and FD seconds. All in favor: 5/0 of letter permit for deck replacement.
- EG states there should be an addition to the permit that there is to be no expansion or enclosure.

**6. 200 Lake Road, deck violation.**

- KK states the owners are coming in to the 6/7/07 hearing. She continues this is a new deck that overhangs the water and it was built without a permit from the SCC or the building inspector.
- KK states they built a platform out to the water and there appears to be no excavation or tree removal. KK shows members the photos. Members decide to continue review on 6/7/07 when the owners are present.

**7. Baseball field renovation at Junior High School**

- KK states that she received a fax from Rich Brown that there will be renovations at the Junior High School baseball field on Brookfield Road. The property has an intermittent stream with connected drainage.
- KK reviews the sketch with the Commission. She states that she believes an NOI is needed since there will be new drainage being discharged into the stream and there will be soil work in the 50-foot buffer zone (re-sod).
- DB states it is a previously disturbed area and the stream is not of good quality—it was disturbed when the Junior High was built.
- FD states they will need an NOI for the work. EG agrees and states that the area is very wet.
- DB states the renovations will make the field playable. DM states the soccer field would be next. KK states that the plan may be to start with the baseball field renovations and since the permit is good for three years, they could always come back and amend the Order to include the soccer field.
- DM would like to see a phasing plan for the project.
- The Board agrees an NOI is necessary.



**8. 32 Hamilton Road roof drainage change (DEP 300-723)**

- KK states that the applicant would like to change the leaching pit to infiltrator units. It is in the same location, and she has no issues with the change
- Members agree that the change is fine.

**9. Sign Permits**

- Walker Pond Weed Treatment: DEP 300-736
- Hamilton Road and Gun Club Weed Treatment: DEP 300-739
- South Pond Weed Treatment: DEP 300-734
- Farquhar Road 5-Lot Subdivision: DEP 300-720

**10. Site Walk Discussion for 5/19/07 (EG and DM)**

- 102 Gladding Lane
- 31 Bennetts Road
- 246 Fiske Hill Road

**Public Meeting adjourned at 11:10PM**