

STURBRIDGE CONSERVATION COMMISSION
Meeting Minutes for Thursday June 7, 2007

7:08 PM: Open Meeting

**Members present: David Barnicle (DB) Chairman, David Mitchell (DM) and Frank Damiano (FD)
Kelly Kippenberger (KK), Conservation Agent
Laura Hunter for Minutes**

Minute Approval

- FD motions to approve the 5/3/07 minutes as reviewed, DM seconds motion. All in favor: 3/0
- DM states he has yet to review the 5/17/07 minutes.

7:10PM Appointment: 200 Lake Road for deck/platform

- N. Flynn, property owner present for discussion
- KK states she received a complaint that a deck was built without a permit in place. KK sent a notice of violation letter to the owner on 5/11/07. The deck platform is on footings above the ground, it was built around a tree and it overhangs the water. She shows photos to the Board members.
- KK states the deck was installed without a building permit or a Conservation approval. The deck was built within the 25-foot no touch buffer zone to the Lake.
- N. Flynn states she didn't think she needed a permit since the deck was not attached to the house (not a permanent structure) and there was no digging.
- DM asks if she now has a building permit. N. Flynn responds no, she is waiting for the conservation decision.
- N. Flynn shows pictures to KK and the Board. KK questions if she has photos of the area prior to the deck being installed.
- DM questions what is the distance from the camp to the Lake. N. Flynn responds approximately 50 feet.
- FD comments that by looking at the photos, the deck is attached to the house. N. Flynn states it goes to the house but is not attached.
- DM states that the Commission would not have approved this deck had it come before the board for review. He states the lakes are getting overcrowded and that has a negative effect on the water quality and the surrounding land.
- N. Flynn states she did not want to damage the trees or roots, that is why it was built around the trees. She also adds that many of her neighbors have decks right on the lake. DM responds that a lot of the decks are older and have been there for a long time.
- DB asks if pressure treated wood was used for the deck. N. Flynn responds she does not know.
- KK states the area between the house and the lake is going to be utilized by the property owner regardless. It is the area for sitting, cookouts, storage of canoes etc. KK states that having a deck or platform in same ways protects the area from foot traffic and potential for erosion.
- FD states the deck appears to be well built but everyone on the lake has to be treated equally. There is a 25-foot no touch from the Lake and the deck is in violation.
- DB questions if there is space in the front of the house. KK responds there is a lot of space; there is a long access drive to the camp.
- DB states he is conflicted. There is a 25-foot no build zone, but KK brought up a good point that the area will be used anyway. He continues that if the applicant had come before the Board prior to construction, the Board would have required that the tree not be removed and the deck to be built around it. He also believes that the Board would have asked for mitigating plantings.

- N. Flynn states she did not know it would be a problem. She continues that there are other structures on the lake and they wanted to use the area. They built a platform around the tree so they wouldn't disturb the area.
- DM states that he feels the Board has three choices; approve the structure with mitigation, have it removed, or approve a smaller structure.
- DB states he would need to see the area and then determine what option was the best. DM agrees with a site visit.
- KK states that this case is unique, no trees were removed and no excavation occurred. The installation of the deck was done with minimal disturbance.
- DM asks about the size of the deck. N. Flynn responds that it is approximately 20 feet by 30 feet. KK states that it a sizeable deck and questions if the application could make it smaller.
- N. Flynn states that the size of the deck is important. She refers to a photograph that shows her neighbors deck. DM reviews the photos and states that the neighbor only has a wooden walkway to the water. N. Flynn questions the difference between the two structures. DM responds that the neighbor's deck is a smaller square footage that covers the grass.
- FD states the deck was done without permission and it is maximum build.
- DM states he needs to take a look at it. KK reiterates to the Board the three options: 1) removal, 2) mitigate, 3) downsize. DB states he would like to have members take a look and would like to continue the discussion to the next meeting.
- KK asks N. Flynn if she is submitting the photos for the file. N. Flynn responds yes and submits her photos. N. Flynn states she is willing to add plantings or do anything the Board wants to the area.

Discussion continued to 6/21/07 at 7:20PM. Members to conduct site visit prior to next meeting.

7:20PM Appointment: 130 Lake Road, DEP 300-705: Violations

- C. and L Bemis, property owners present for discussion
- KK states she visited the property on 5/11/07 and had several concerns; 1) Commission never notified of work starting and did not approve of the erosion controls, 2) additional excavation in the wetland has occurred, shed has yet to be removed and restoration plantings have yet to be installed. She states she revisited the property on 5/31/07 and additional erosion controls were installed. KK shows members the photos.
- KK states the property is on the northern tip of Big Alum Lake and an Order of Conditions was issued for the demolition of the camp and construction of the house.
- Members recall the project. FD asks if this is the house that had to be built above ground on footings. C. Bemis responds yes, and it has worked out great.
- KK states that an electrical line was installed in the wetland from an existing pole to the house. This was not shown on the plan.
- DB states that before discussing what happened, he wants a status of the remediation.
- C. Bemis states that the shed is not removed yet because they are using it for storage. He continues that they have purchased approximately half of the plants on the remediation list and have been in contact with three nurseries about purchasing the remainder of the plants. He also states the electrical work that was done included a conduit, which was installed during the first week of April. He continues that members of the Commission visited the property in August 2006 and commented that the property is well maintained. He states there is a dumpster on site, and the area next to the house is not to be a driveway. He knows he has to restore the area and he is willing to plant turf if necessary.

- DM asks how big the electrical conduit is. C. Bemis states it is approximately 20 inches below ground and contains three lines. He demonstrates the approximate radius of the conduit with his hands. L. Bemis adds that there was a lot of water in the conduit trench during installation.
- DM asks about the site disturbance. C. Bemis states he does not plan on having a driveway. DM comments that by looking at the photos, very thin topsoil is present. KK states that because the hose is in the wetland, there was to be no grade change, all grades are to be re-established. DM states they will need to get loam. C. Bemis responds they would be willing to do that.
- DB asks C. Bemis if he has been there during a storm. C. Bemis responds he has been there the day after a rain event. DB asks how the perimeter drain strip is working around the house. C. Bemis responds that it works great and it looks great.
- DB asks if there is silt at the end of the driveway. C. Bemis responds no, there is a silt screen in place. KK states the area is very flat and that sediment is there. The silt fence was not installed properly, that is why she requested hay bales.
- DM asks KK if she believes the site is under control. KK responds yes. C. Bemis adds that the shed will be coming down and the plantings will go in soon.
- DM suggests the discussion be continued to 7/26/07 allowing time for KK to visit the site and determine if there is anything else that needs to be done.
- C. Bemis states he would be willing to use turf. DB responds the preference would be no turf. Pesticides, herbicides and other chemicals are not allowed within 100-feet of the Lake. The area should be seeded with a wetland mixture.
- KK agrees that she can visit the site the week before the July meeting and report back to the Commission with photos.

Discussion continued to 7/26/07 pending site inspection by KK

PUBLIC HEARING

NOI for DEP 300-741: Proposed single-family house re-construction work at 19 Bennetts Road. Trifone Design Associates representing W. Mason

DB opens the hearing at 7:41 PM

Present: A. Trifone of Trifone Design Associates

K. Mason, property owner

Newspaper ad and abutter receipt cards to open the hearing are submitted.

Discussion:

- KK states this is the first hearing on this project which includes a second floor addition to a portion of the house and a new foundation (going from stone foundation to cement). She visited the property on 5/31/07 and has no real issues with the work. She states there is a large outcrop that will act as a natural barrier to the lake and offers the following comments to the Board members: 1) there are more decks and sheds on property and within the 50-foot buffer zone than what the plan shows, and 2) the project will have to go in front of Zoning since the lot is non-conforming.
- KK reviews photos and plans with the Board. She states the lot is beautifully landscaped around the natural rock outcrop and when she was there, she saw chipmunks, squirrels and many bird species.
- FD comments as looking at the photos that the property is a very interesting combination of man-made and natural resources.
- A. Trifone reviews the plans with the Board and states that the stone foundation is on the left side elevation.

- FD asks if there is a garage. A. Trifone responds yes and points to the garage location on the plan. A. Trifone explains what structures are already on the property.
- DB asks if they are constructing a new house or moving the existing house. DM questions if the first floor will be new. A. Trifone responds that a new foundation, first and second floor are proposed for a portion of the house. It will be in the same footprint.
- KK asks if gutters will be added to help with roof run-off. A. Trifone replies that he does not know. DB suggests a drip-strip around the house and describes the benefits of using a drip-strip over gutters.
- FD suggests a site walk. DB states the applicant is waiting for zoning. KK states they can add a condition requiring zoning to be approved first.
- KK states the June 21st meeting is very full. DM states there could be concern with members voting on this project who were not present for tonight's discussion. DB asks when the earliest opening is to continue the hearing. KK responds the end of July.
- FD asks KK is she feels the Board members need to go on site. KK replies that she does not feel a site visit is necessary, the photos are a good representative of the property and there is a large rock outcrop protecting the Lake from erosion.
- K. Mason states the project is expected to take four months and she needs to have it complete by November. They already have arrangements to stay at someone's house.
- FD states he is comfortable making a motion to approve the project based on KK's recommendation for Special conditions. DB seconds motion.
- DM asks KK what her comfort level is on the project on a scale of one to ten. KK responds eight or nine; she is very comfortable due to the topography of the land.
- A. Trifone states the materials will be loaded onto a truck and taken from the site so there will be no stockpiling.
- DM asks about the septic system. KK states the applicant still needs to go to the Board of Health for the septic.
- All in favor of approval Order of Conditions: 3/0
- KK adds that there are more structures on property than shown on the plan. That will have to be noted in the Order of Conditions. K. Mason adds that all structures were there when they bought the property years ago.
- KK informs K. Mason that the Order will be signed next meeting and that it will have to be recorded at the Registry of Deeds prior to starting work.

Hearing closed and approval Order of Conditions to be issued.

PUBLIC HEARING

AMENDMENT for DEP 300-700. Proposed retaining wall improvements at 164 Lake Road, Galonek

DB opens hearing at 7:57 PM

Present: G. Galonek, property owner

P. Champeau of Paul Champeau Masonry

Newspaper ad and abutter receipt cards to open the hearing are submitted.

Discussion:

- KK states this is the first hearing on the Amendment. She states the amendment request is in accordance with Condition 32 of the original Order: reconstruction of the retaining wall within the 50-foot buffer zone to the lake will require an amendment to the Order. KK states she visited the property on 6/6/07 and reviews photos with the Board. Her only concern is that the existing wall is

basically not functioning and it appears to be stones and boulders and there is a lot of material in the embankment. She questions how the wall will be built.

- DB asks if this is a continuation of work. G. Galonek responds yes, from last August and states the Board gave him one year to complete the work.
- G. Galonek submits new plans. KK reviews plans and photos with the Board. G. Galonek states the Board asked for more detail on the wall. DB asks if it is going to be concrete.
- KK asks how high the wall will be. P. Champeau states the wall will be between six and seven feet high. G. Galonek states it will be closer to four feet on the other side where it will be tiered.
- The Board reviews the plans and asks if this is between the 25-foot and 50-foot buffer. KK confirms that it is.
- KK questions the construction of the wall. P. Champeau explains how the wall will be built. He explains that it is a gravity wall and that it will be built to minimize impact.
- G. Galonek states he does not want to remove the hemlock on the property. He wants to leave as much vegetation as possible.
- DM asks how the work will be done, any machines? G. Galonek states this project is being done by hand with staging, there is no equipment.
- KK asks if they are looking to replace the patio. G. Galonek replies “not necessarily”. He states they are currently using the patio area for staging materials.
- KK asks if they are planning to put in a deck or a stone patio and states the Board will need to know what will end up in there. G. Galonek states there will be a new wall and a green carpeted patio. He asks if there is a concern with the patio being rebuilt. KK states they would just like to know what to expect on the site. P. Champeau states they could use brick pavers.
- DM states they should concentrate on the wall at this time. G. Galonek states they may replace if the existing patio is damaged. FD states they should put something pervious in its place.
- DB asks if they will seed the slope. G. Galonek states the area will not be sloped or seeded.
- FD motions to approve the amendment and the wall work. DM seconds motion.
- KK asks P. Champeau to review the order of the project with the Board. P. Champeau describes the order of steps to replace the wall. KK asks if hay bales and a silt fence will be used. P. Champeau responds they will add them. KK asks if they are using the same stairs. P. Champeau responds yes.
- KK asks when the project will be complete. P. Champeau responds that G. Galonek will do some of the work and can start immediately.
- All in favor: 3/0
- G. Galonek asks about starting work. KK states they can order the materials, stage the work area, put up the hay bales and install the silt fence, but no other work should be started until the Order is issued and recorded.

Hearing closed and an Amended Order to be issued

PUBLIC HEARING

NOI CONTINUED from 5/3/07: DEP 300-737 for Proposed single family house demolition and reconstruction at 56-58 South Shore Drive. Jalbert Engineering, Inc. representing A. Godin. This filing is related to DEP 300-707.

DB opens public hearing at 8:15 PM

Present: L. Jalbert and D. Roberts of Jalbert Engineering, Inc.

Discussion:

- KK states revised plans were submitted on 6/7/07 that included landscaping changes. KK reviews the new plans with the Board. She states the questions from the last meeting included what plantings would be used for mitigation and an explanation of the catch basin, outlet pipes and ownership for maintenance. She recommends that the Commission receive an explanation on the catch basin/outlet pipe issue from the applicant's representative.
- L. Jalbert states that the property had work done in 1982, 1983, and 1985, Jalbert Engineering did the plans and there is no record of the catch basin having an outlet. He states that the catch basin is a leaching basin with an area of gravel.
- DM asks if knowing that it is a leaching basin is from personal knowledge or because it has been physically inspected. L. Jalbert states it is from personal knowledge—he has plans dating back to 1985 on the property.
- DB questions how it is acting as a leach catch basin. L. Jalbert states that the structure is clogged and basically acting as a diversion for the water headed towards the abutter's property.
- L. Jalbert and D. Roberts review the photos of the catch basin with the Board. DM asks how deep the catch basin is. L. Jalbert answers about 4-feet deep and describes the water flow from the catch basin. He states that the catch basin is on private property across the road. However, they did find two pipes with an outlet into the Lake on the subject property. One appears to be from under the deck from a sump from the basement and the second pipe is from a 6-inch PVC garage curtain drain. He states that the drainage issue has been resolved. D. Roberts states that the 6-inch PVC pipes are common for roof runoff and other house drainage.
- FD states the drainage issue has only been explained not solved. D. Roberts states with the gravel driveway the drainage issue will be solved.
- FD asks if a dye test or a hose test was performed to confirm that is where the pipes lead. L. Jalbert replies no.
- D. Roberts states that any new drainage pipes will tie into the new system and that the existing pipes will be re-routed into the new system. D. Roberts marks on the plan where he believes the existing pipes are located (one pipe from garage and second pipe from deck/cellar—see plan).
- DB asks if the old pipes will be removed. L. Jalbert states he would not remove them. D. Roberts states it would cause too much disturbance to remove the pipes, they are located on a steep embankment. DB asks for an explanation of what will happen to the pipes. D. Roberts states that when the new house is built the old pipes will tie into the new foundation drain and the new drainage system.
- DM states for the record that pipe locations were sketched on the plans by D. Roberts, one pipe coming from the driveway drain and one for the cellar drain.
- DM asks if there be treatment with the pipe re-route. KK adds that is a good question since there is a lot of sediment that enters the Lake from these pipes. L. Jalbert states that given the physical constraints of the property, the pipes must go to the northern side of the house.
- KK asks if the driveway will be re-graveled. L. Jalbert states they will need to re-stone the driveway, but it will not be paved.
- KK asks if the new leaching pit will need to be maintained. Now that the garage curtain drain will be re-routed to it, there will be sediment in the pit. L. Jalbert states a sump pump can be added to the front of the garage. D. Roberts explains the sump pump and the maintenance for it.
- DB states that without the Board insisting on new information about the drainage pipes, the newer and better system would not have been proposed. D. Roberts states they would have discovered the pipes when excavation began. DB states that without the “push” from the Board, they would not have been as thorough in their investigation for the pipes.
- FD asks about the proposed plantings. D. Roberts describes the planting plan. DM requests clarification of the landscaping, areas A, B C etc. D. Roberts states that Montigne (sp?) Landscaping

suggested the proposed plantings and the location of the plantings. DM questions some of the plant species near the Lake. DB states that lilacs can provide good root structure if healthy. D. Roberts states all the plants are native Massachusetts plants.

- DB asks KK about any additional comments. KK states that finding out about the drainage pipes was a good thing, but the pipes need to be shown on the plan. The plan needs to clearly show all drainage structures, existing and proposed. The contractor only looks at the plan so it needs to be clear that the existing pipes are going to be re-routed, the plans need to especially show the sump pump and the owner needs to know about the maintenance of the structure. D. Roberts states he can add all of the drainage information to the plan for KK's review.
- KK asks about the contractor and states any contractors need to be very clear on what is there and what needs to be done with the drainage pipes.
- KK states she needs details on the sump and needs details on sequencing. D. Roberts states he will add everything to the plans.
- DM asks if the pipes can be cut back. D. Roberts states they can cut the pipes back and place plastic caps on them. They will dig back, cut the pipe, cap the pipe, then backfill back over the pipes. He does not think the pipes should be fully removed. KK states that all of this will need to be on the plan. D. Roberts states that it will not be a problem to revise the plans.
- KK asks if the new house will need a sump in the basement. D. Roberts responds no. KK asks if the new leach pit will receive run-off from the roof and from the sump. D. Roberts states it will receive from roof run-off, sump, and garage drain. KK questions if the leaching pit can handle the additional water.
- DM asks changes to be read back. KK states changes are: 1) outlet pipes on plan to be cut back and capped, 2) drainage pipes to be added to plans and information on what will be done with pipes, 3) maintenance and sump details at the driveway, and 4) drainage sequencing.
- D. Roberts request a continuance unless the Board feels they can vote favorably knowing that revised plans will be submitted and adding conditions. KK states that the Board is booking the July 26th hearing now.
- FD states applicants should not be delayed by the Board's vacation schedules. DM states he likes the information that has been presented tonight but would still like to see the information on the plan before voting. DB agrees with DM and would like to continue the hearing.
- FD states that with D. Grehl as an abutter, the Board will be kept to date on the construction.
- D. Roberts submits photos of drainage for the file.

Hearing continued to July 26, 2007 at 7:30PM pending revised plans.

PUBLIC HEARING

NOI CONTINUED from 5/3/07 for DEP 300-732: Proposed single family house and driveway wetland crossing at 130 Brookfield Road. Para Land Surveying, Inc. representing Rearick.

DB opens public hearing at 8:49PM

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

Discussion:

- KK states since the last meeting she submitted a review memo to all members on 6/4/07 documenting that the wetland delineation is accurate and also that outstanding questions and concerns remain. She continues that R. Para submitted a response memo on 6/7/07 and a revised plan set. She recommends that the Commission review the response memo and receive a presentation on the revised plans. KK reviews the plans and photos with the Board.

- DM asks KK to summarize her outstanding concerns. She reviews the memo with the Board and shares her concerns. KK states her main concern is with the replication plan. She states the plants are good wetland plants, but are not good plants for this site.
- DM asks if the plants are not good for just this site or not good for this area. KK responds both—none of the proposed plants are found within the wetland on the property.
- R. Para states there has been a revised plant list submitted with the plans. KK states she did not have time to review the revised plans. R. Para reviews revised plans with the Board and begins to explain all changes.
- KK questions the phasing of the construction, she would like to see the replication area established prior to house construction. R. Para states it can be done, but would be tricky. He continues that the hay bales can be pulled back but it is imperative to clear the road and get to the area by the house to store materials.
- R. Para states the first step is to put the hay bales in place, clear the replication area, move the cut wood to be processed (chip logs and branches and grind stumps), move wetland soils, lay a 6-inch stone layer at the culvert to create a drivable surface, build retaining walls up for the driveway, then replace the wetland soils to the wetland. KK adds that additional wetland soil will have to be brought in.
- DB asks if the replication area will be surrounded by a rock wall and have more depth. R. Para responds yes, it will be a pool. KK asks about hydrologic connection to the existing wetland. She is concerned that the replication area will become an isolated wetland and there will be a “berm” separating the replication area and the natural wetland. R. Para states they can dig a channel and members discuss.
- R. Para states that natural slope of the area will let the water continue from the replication area into the wetland.
- KK asks about the selective tree clearing in the replication area. R. Para responds that some trees are marked in the field as “KEEP”. He continues that the wetland specialist will help with what trees are to stay in the replication area.
- KK asks about the 3:1 slope leading to the replication area and adding plantings in addition to erosion controls. R. Para responds the area will be loamed and mulched with hay bales above it and hay bales between the slope and the wetland area. He continues this should be stable as the 3:1 slope is a very gentle slope. KK states that she is concerned with this area as it will be the 25-foot no touch buffer zone from the replication area wetland.
- DB states that this area may be hard to stabilize and hydroseed may not take.
- KK asks about the selective clearing in the area next to the replication area. R. Para states that the word “selective clearing” was removed off the plan. He continues that they will basically clear-cut and try to leave some trees in place. KK shows concern for this since the clear-cut area will be the 25 and 50-foot buffer zones from the wetland (replication area). KK reviews photos of the outcroppings and the plans of the surrounding wetland areas.
- DB suggests for stabilization adding one to two inches of woodchips, then eventually removing the wood chips and adding a wetland mix.
- DM states shrubs would be ideal for that area. R. Para states the grass will grow in then they can put in shrubs for added stabilization. DB states grass is not the best measure for stabilization and they do not want to encourage mowing in the area. DM states the slope will discourage mowing.
- R. Para states that paving the driveway is an outstanding issue. KK states it should be all gravel or all paved, she does not like both. DB states he does not want water coming down the driveway and entering the roadway. R. Para states that there is a swale entering into the wetland and that water will not flow to the road.

- KK asks if there will be stone swales on the side of the driveway. R. Para states there is proposed grass on the shoulder and there is a small swale going into the replication area. He states the driveway will be pitched.
- DB questions KK if the runoff from the driveway will be the source of water for the replication area. KK states that groundwater should be the source of water for replication areas, not driveway runoff. Runoff can be added to the replication area, but not the source. DM questions how the driveway can be canted without a berm and how the water will enter the swale. R. Para states the swale goes into the replication area and acts as a buffer.
- DM states the construction sequence is critical and asks that the Applicant consider including shrub plantings in the 3:1 slope area. He asks about the 100-foot buffer zone and points out a fence on the plans near the house.
- R. Para states there is a proposed swimming pool and a fence is required for the pool. DM states the fence acts as a barrier.
- KK states that besides the replication area, there are no other plantings proposed. No landscape areas, only conversion to lawn. KK states she is concerned about this since there is 25 and 50-foot buffer zone disturbance. R. Para states that the final planting plan has yet to be submitted. The landscaping will be up to the homeowner.
- DM asks KK how long she will need to review new submission. KK answers for the next meeting. KK asks members if they are ready for draft special conditions. Members agree that draft conditions would be good to review. DB asks that a courtesy copy of the draft conditions be sent to R. Para at least a week before the meeting. KK agrees

Hearing continued to July 26, 2007 at 7:45PM to review Special Conditions.

PUBLIC HEARING

RDA for SCC 07-13: Vegetation maintenance along portions of the Massachusetts Turnpike (Route 90). Request made by Massachusetts Turnpike Authority.

DB opens public hearing at 9:20PM.

No one present

Discussion:

- KK states this hearing is to be continued to 6/21/07 at 7:05pm as it was not advertised in the paper properly. KK states that if the Board would like, she can give the Commission a brief summary of the project, and then she can read the minutes at the next meeting.
- DB states that is not necessary since different members will be at the next meeting.
- DM asks how they can spray selectively for Poison Ivy. KK states that she believes they plan on spraying in the median and along the guardrails.

Hearing continued to June 21, 2007 at 7:05PM.

PUBLIC HEARING

RDA for SCC 07-14: Proposed pool at the Express Inn located at 478 Main Street. Bertin Engineering, Inc. representing Sturbridge Hospitality Group, Inc.

DB opens the public hearing at 9:22PPM.

Present: H. Blakeley of Bertin Engineering, Inc.

Newspaper ad submitted. Certified mail receipts received 5/23/07.

Discussion:

- KK states this is the first hearing and work includes constructing a pool and patio within an area that already exists as pavement. She states wetland resource areas are off the property and located just about 200-feet away. She states the Planning Board issued Site Plan approval on 6/6/07 and she visited on 6/6/07. She states that she has no issues and reviews the photos with the Board.
- DM questions what is the abutting property. H. Blakeley responds that it is private property, the Morse Property.
- KK asks if pavement materials will be loaded into a truck and removed. H. Blakeley responds yes.
- Members claim that they have no issues. FD motions for negative determination. DM seconds motion and all in favor 3/0 for negative determination.

Hearing closed, Negative Determination to be issued.

PUBLIC HEARING

NOI for SCC 07-16: Proposed Nursery School and parking facility at 116 Brookfield Road. Bertin Engineering & Associates representing EJM Realty Corporation

DB opens the hearing at 9:25PM

Present: H. Blakeley of Bertin Engineering, Inc.

Newspaper ad submitted. Certified mail receipts received 5/23/07.

Discussion:

- KK states this is the first hearing and the work includes constructing a building addition, resurfacing parking and constructing a cul-de-sac with stormwater facilities for a proposed nursery school. She states the Planning Department gave Site Plan approval on 6/6/07. The NOI was filed under the local bylaw, as the work is only in the 200-foot buffer zone to a wetland and stream across the street. A construction sequence and Operation & Maintenance Plan was submitted on 6/7/07 along with revised plans. KK states she visited the property on 6/6/07 and her only concern is the maintenance of the stormwater facilities over time.
- DB asks if abutters are present (No one presents himself or herself).
- KK reviews photos and plans with the Board. DB asks if this is a house addition. DM questions how it is for Montessori school. KK states that it is currently a single-family house that will be converted to the school—with an addition proposed.
- DB asks if this project came before the planning board on Thursday. H. Blakeley responds yes. DB asks for clarification of where the property is. KK explains that the property is next to the house that is under construction (DEP 300-729). DB recalls the property.
- KK states her only concern is stormwater maintenance. H. Blakeley states the property owner is responsible for maintenance.
- KK states the cul-de-sac is wide to allow for dropping off kids safely. H. Blakeley states the parking area in the roadway has changed to parallel parking. DM questions how far back the lot goes. H. Blakeley responds it is a very deep lot.
- KK discusses vegetation removal for the playground and states that a lot of trees will be removed but are out of the Commission's jurisdiction (out of the buffer zone). DM requests a site walk.
- H. Blakeley states the wetland area across the street. FD states that it appears that a lot of the work is out of the Commission's buffer zone.
- H. Blakeley states that DPW Director has reviewed the plans and determined that a stormwater permit is required.

- DM requests that the construction sequence and stormwater maintenance be on the plan, otherwise he has no issues with the project.
- DM motions to approve and issue an Order. FD seconds motion. All in favor 3/0.

Hearing closed and approval Order of Conditions to be issued.

9:35PM – OLD / NEW / OTHER BUSINESS

1. 5 Lakewood Drive, DEP 300-545

- S. Murphy (property owner) present for discussion.
- KK states that the Order has expired and there was recent lawn installation which abutters called to report. She states that the yard is now hydro-seeded (she allowed it to be done for stabilization) but her biggest concern is that the driveway is circular, more pavement than what was approved. KK reviews photos and the original plans with the Board.
- KK states she received a call that excavation was occurring without a permit. When she visited the site she found landscapers doing rough grading in preparation for hydro-seed. She continues that the Order of Conditions expired in July of 2006, however she allowed the landscapers to finish grading to seed the area for stabilization. The hay bales appeared to be buried and she did request more erosion controls until the seed was grown. Her main concern is the circular driveway, the property abuts a perennial stream connecting Long Pond to Big Alum and is within Natural Heritage.
- DB asks if there was run off from last Friday's storm. S. Murphy responds no and that the property is stable.
- DB asks what the purpose of the paved swale is (in photograph). S. Murphy states his neighbors complained of a washout from the driveway so he redirected the water to his own property and added evergreen and mulch to control run-off.
- DB states they need to deal with the expired order and then need to deal with the circular driveway.
- KK suggests getting an "as-built" plan. She also adds that once the grass is grown, the owner can request a Certificate of Compliance.
- S. Murphy states that he was not aware of the Order expiring and that the property is stable now.
- KK states she was out on 5/31/07 and the grass was not growing in yet.
- DB tells S. Murphy to give it 30 days then call when the area is stable and the Commission will go take a look at it.
- KK asks if a survey was done stating that the house is in the right place. S. Murphy replies that three engineers have said it is in the right location.
- DB states they need a plan with the circular driveway on it.
- KK states she will send a follow up letter.

2. 113 Breakneck Road Changes (DEP 300-637)

- C. and J. Pelletier (property owners) present for discussion.
- KK shows the Board the original plan approved and the revised plan. She states the changes are minor (smaller house with future addition and barn) and are within the erosion control line. She recommends approving the changes and that an amendment is not necessary. She states she checked the erosion control line and the silt fence was not completely toed into the ground.
- KK states the Order of Conditions was recorded and the new owners acknowledge the Order of Conditions. She reviews the plans with the Board.
- KK states the new owners would like to make changes without changing the limit of work and adding structures (barn and garage). She asks if the driveway will be paved.

- DM asks if there is detail on the erosion control. KK responds it is just a silt fence. DM asks if it needs to be toed in. KK replies yes.
- KK asks property owners about “future” barn and garage.
- J. Pelletier responds it is more of a “dream” and would only happen if they were to have the money for construction.
- KK states the Order of Conditions is good for three years and it could be extended.
- DB states the barn is out of the 200-foot buffer zone and out of the Commission’s jurisdiction. He continues that they could approve the plan as is with the silt fence toed in. He requests an “as built” plan be submitted for review. KK states she can request that with a follow-up letter.

3. Request for Certificate of Compliance: 266 Big Alum Road, DEP 300-479

- R. George present for discussion.
- KK states the property owner would like to do a house addition on a house that was built less than 3 years ago. She continues that when she looked at the file, she noticed that the Order of Conditions was never recorded (Order issued in 2002) and there were erosion problems during construction (photos in the file). She immediately requested that the Order be recorded to avoid enforcement, it is now recorded. She states there is a letter submitted by NEE, inc. requesting a Certificate of Compliance for the house construction work. Members review the letter and photos from 5/21/07. She continues that the biggest changes that she noticed was a paved area, drive or walkway and some additional trees were cleared.
- DM asks to see the plans. KK states they have old plans and this project was originally for house demolition and reconstruction. KK reiterates that they are requesting a Certificate of Compliance, she has not seen any plans for the house addition.
- DM asks KK if she needs to go to the property to check everything out. KK replies that when she visited the property, the gate was locked, but New England Environmental, Inc. visited the property and included a full review in their letter and reviews the details of the letter with the Board.
- R. George states the Order of Conditions is five years old and should have been recorded but was not. He continues the owner needs a Certificate of Compliance and that changes to the original plan are insignificant.
- R. George requests that the Commission issue a Certificate stating that the changes occurred after construction and that Kaitbenski (the house contractor) is not responsible. KK comments that there is no way the Board can determine that.
- DM asks if the property is going to be sold. R. George replies the owner wants to add a solarium.
- DB states an “as built” plan is requested for the Certificate of Compliance. R. George asks if the letter from NEE, Inc. is sufficient and DB replies no. DM states they need to see an up to date plan to compare to the site. R. George asks if a plan and a letter will be sufficient. DB states they need the “as built” plan before the Board can make a determination.
- KK shows original photos from the file. KK adds that NEE, Inc. did measure from the front of the house to the Lake and found that it was about 53-feet, just like the NOI plan. DB states that he is concerned with the additional tree clearing and the additional pavement. R. George states that he has no idea when that work was done; Kaitbenski had nothing to do with it.
- DB states the homeowner is responsible for the Certificate of Compliance. KK states the Board has issued Certificates of Compliance with changes to plans noted.
- DM states KK could write a letter pointing out the changes to the plans. KK states she will send a letter with the Board’s request for an “as built” plan and note the changes to the plan.
- R. George states he will submit an “as built” plan. KK states she spoke with the property owner and it may be possible that an “as built” plan was done as part of the proposed house addition.

- R. George asks if they can be put on the next agenda. KK states the next available time is late on July 26 and it all depends on when the proper paperwork is submitted.

4. Status of 246 Fiske Hill Road ENFORCEMENT: DEP 300-677

- R. Para of Para Land Surveying, Inc., R. Lyon of Lyon Construction and abutters C. Sylvestri and A. Szumalis are present for discussion.
- KK states new plans were submitted on 6/7/07 and on going reports have been submitted. She states that since the last meeting the contractor has been allowed to correct the third culvert under supervision of the construction monitor.
- KK states R. Para is the construction monitor and submits daily status reports. She has visited the site once or twice a week.
- KK states she has received new plans tonight and would like an update from the monitor. She reviews plans and photos with the Board.
- R. Para states he staked the driveway to where it should be and states that it is now close to the correct location and the grades are close to where they should have been.
- DB asks about the width of the driveway. R. Para replies it is 12-foot wide with a 2-foot shoulder.
- R. Para states the hay bales are in and indicates on the plans where the culvert was, where it should have been, and where it is now. He states all the culverts are installed, as they should have been with grade and location. He states that culverts two and three have flared end, riprap and fabric and the inverts are at the right level.
- KK states she has issues with the site and feels remediation will need to be done in the areas that were disturbed that were to remain untouched.
- R. Para states the site needs seeding and with a little more grading it will be ready for seed next week. He states the loam pile will be moved to the rear of the lot to make room for seeding.
- DB suggests putting the loam pile into the foundation hole. R. Para responds that it would create a muddy mess. DB responds that it is not "our problem". DM asks if it is loam or topsoil. R. Para responds it is loam and is more organic. Members review the plans and where the stockpiles are.
- KK states the culvert installation is complete and they allowed work on the shoulder for stabilization. R. Para states they are working on the shoulder from the edge of the hay bales toward Fiske Hill Road. DB states they need to get the plantings done for stabilization. R. Para responds that the loam pile needs to be moved to finish the shoulder work. KK agrees that it does need to be moved, the property is still a mess and grading needs to be done for stabilization. Remediation will need to be done for the area near the house. R. Para states he would like one pile moved and then hydroseed for stabilization and then move the second pile and hydroseed there.
- R. Para states the retaining wall needs to be installed and proposes hydroseeding up to the wall location. He also states there is a lot of debris on the site that needs to be removed.
- R. Lyon states he replaced the hay bales today. DB asks if the area near culvert three is ponding. R. Para responds that the area is now dry and not retaining water. DB asks where the water is going if it is not ponding. R. Para replies that the water is going where it is supposed to go and DB asks if it is good, clean flow. R. Para replies yes that the flow is clear with no silt. DB questions the water that went under the rock wall in the rear of the property. R. Para explains that when there were no hay bales in the rear of the lot, the water flowed from the house lot to the east. He states that water from the isolated wetland area flows across to the Szumalis property.
- R. Para describes sequencing for next phase of project and he states the next step would be getting a dumpster onsite near the proposed house. DB asks if it for construction debris. R. Para replies it is from the construction and other debris that was on property from the farm.
- KK asks if culvert one is in the wrong place. R. Para responds yes, slightly. R. Para adds that where culvert one is located it seems to be working properly. He asks the Commission if the culvert is

- working, does it have to be moved. KK questions if the culvert was installed properly, lined with fabric and has a stone base. R. Para replies that he does not think so. KK states that it has to be corrected and therefore cannot stay in the same place.
- DB asks the Board what their thoughts are. DM states that hydroseeding should be next. DB asks R. Para about the next steps. R. Para responds the next step is to move the loam pile and seed near Fiske Hill Road.
 - DM asks if there has been talk about replication. R. Para states the plan shows areas for replanting trees. KK adds that the Board will have to review the planting plan once the lot is stable.
 - R. Para states step 2 would be to build the retaining wall and then rebuild culvert one.
 - DM states the next steps should be 1) hydroseed the shoulders, 2) replace culvert 1, and 3) start retaining wall.
 - DB states that KK can be the overseer of the project and monitor the reports. KK states the daily reports need to be submitted while construction is going on.
 - DM asks if the retaining wall will take one week. R. Para states it will depend on the weather.
 - DB asks if R. Para is reporting to KK daily. R. Para responds yes.
 - KK states that there is a water concern when the loam piles are moved and they should be surrounded by hay bales. R. Para states the hay bales and silt fence are in good working order.
 - A. Szumalis (abutter) states that the silt fence is just a piece of plastic with a hay bale over it, it is not toed in. He states it should have 4-inch of compact earth on it, according to the approved plan. DB states the silt fence needs to be toed in and that it is standard operating procedure.
 - R. Para states there could be places where the silt fence is not completely covered. FD asks that it be checked. R. Para states there is 2700 ft of silt fence.
 - A. Szumalis states he is disappointed that R. Para was chosen as the site monitor and feels that it is a conflict of interest. DB states it had to be someone with construction experience, R. Para was approved and there is no conflict of interest. DB adds that R. Para knows the project, so that is a good thing.
 - A. Silvestri states R. Para should not be the monitor and states he could be under litigation if the project fails. A. Szumalis states the gravel area needs to have actual gravel and states the material that is there is not gravel.
 - R. Para responds that it is not gravel and states it is a temporary material being used while the culverts are being repaired. He states they will revert back to the original plan as construction proceeds.
 - C. Silvestri shows concern for the material being used and states there is asphalt at the end of the driveway and the site is a mess. He states that the material being used is sandy-clay soil and it is unsuitable and causing water problems. R. Para admits that some material present is not accepted material and will be removed. R. Lyon responds that the first load delivered to the site included broken up asphalt mixed in with gravel. He asked the supplier to remove the bad material, only one truck load was dumped on site. The bad material will be dug out and removed.
 - Both abutters state that they have multiple concerns and questions. DM states the abutters should prepare a list of concerns in writing and submit it to the Board for review.
 - A. Szumalis states he does not want water on his property when this project is done. He states that he has pictures that show water coming onto his property that was never there before.
 - DB states DM has a good point and asks abutters to submit a list.
 - R. Para states the culvert was made functional due to the threat of rain. A. Silvestri states the culvert is full of dirt. R. Para states it is not full of dirt now.
 - DB states R. Para is not a conflict of interest as he has intimate knowledge of the site and is a registered surveyor. A. Silvestri states R. Para is not a construction supervisor. R. Para responds that

he is not a construction supervisor but does have years of experience in laying roads and site construction.

- R. Para states the next steps of the project will be; 1) moving loam piles, 2) stabilizing, 3) grading and seeding, 4) starting retaining wall, and 5) addressing culvert number 1.
- KK states that just because the shoulders are being seeded does not mean that is their final location. She also asks that checking the silt fence be added to the list.
- DB states the project is still under an Enforcement Order and they do not need to come back next meeting, he is comfortable with KK reviewing the reports.
- DM asks that it be put on the agenda under other business as needed.
- DB states the dumpster should be located beyond the third culvert and asks that it be put at the top of the slope after the piles are moved.
- KK asks the abutters to submit a list of questions and concerns in writing.

5. Extension Request for Draper Woods Phase III: DEP 300-592 and SCC 04-07

- K. Rabbitt present for discussion.
- KK states a status sketch was submitted and the request is for three years and it includes multiple lots in Phases two and three. Some lots are covered under a Determination and some under an Order.
- K. Rabbit states the lots are in good shape and it is pretty black and white.
- KK reminds the Commission that the proposed retaining wall behind some lots is 27 feet away from the wetland. K. Rabbitt asks the board members to review the plans and compare the wall to the wall at lot #33, which was just built.
- DB questions what the height of the wall will be. K. Rabbit responds that it will be about 4-6 feet in height, but it all depends on who buys the lot. He states it can be changed based on the owners needs, the house could be moved closer to the road and the grading may change slightly.
- DB states he is okay with the three-year extension. He continues that with the market slowing down, the extension is reasonable.
- DM asks about water sampling. KK states there are reports from New England Environmental, Inc.
- FD motions to extend the Determination Lots for three years. DM seconds motion. All in favor: 3/0. KK adds that she will have to write a letter of approval for the Extension.
- DB asks about replication area. K. Rabbit responds the area seems to be doing well. KK adds that last time she was out there, the area looked great. There were some issues with the side slope of the replication area, but additional plantings and matting was installed. K. Rabbitt adds that M. Marcus is always adding wetland plants to the replication area. He was surprised at how many plants survived and were not eaten by deer.
- DM motions to extend the Order of Conditions for three years. FD seconds. All in favor: 3/0.

6. B urges Elementary Sign, Letter Permit

- KK states the PTO is requesting a sign at the corner of Cedar Street and Burgess School Road. There is a steep slope into wetlands and there would be minor excavation for the footings of the sign and gravel to be installed at the base. She states it is within the 25-foot no touch but within the shoulder of the road. KK reviews photos with the board and states there will be digging for the posts and then dumping gravel.
- DB states he has no issues. FD motions to approve with a letter permit, DM seconds motion. All in favor 3/0.

7. Camp Robinson Crusoe Abutter List

- KK states that in the past, the Board has allowed abbreviated abutter lists for projects on the Old Sturbridge Village property. She adds that she delineated where the camp area was on the assessor maps and the Town Engineer got an abbreviated list.
- DB asks if there are any questions from the Board members. DM states he has no issues with the abbreviated list.
- FD motions to approve the acceptance of the abbreviated abutters list for the NOI filing. DM seconds motion. All in favor 3/0.

8. Wells State Park Beaver Emergency Permit

- KK reviews the Emergency permit with the Board members and shows photographs. KK states minor modifications to the Emergency conditions were made based on Natural Heritage response letter. She states that the Board of Health approved the trapping and breaching of the dam. KK reads a portion of the Natural Heritage letter dated 6/6/07, the debris must be sifted through for endangered species. KK states the culverts extend out into the ponded wetland, but she is not sure how far. The “grab and reach” method will be used to remove the dam.
- Members sign the Emergency Permit.

9. 107 Breakneck Road, DEP 300-584 Request for Certificate of Compliance

- KK states she visited the property on 5/31/07 and saw the driveway is slightly different but the property was stable and she is okay with issuing the Certificate of Compliance. She states there were some deviations on the plan, which will be noted on the certificate. She shows members the photographs.
- FD motions to issue the Certificate. DM seconds the motion. All in favor 3/0.

10. 37 Breakneck Road FCP

- DB states that the property is small and the owner wanted to do a FCP to cover the cost of removing some trees. He states that there is a perennial stream crossing with beaver activity and the water crossing would be 100-150 feet wide. DB states that he denied the FCP.

11. 595 Main Street: Violation

- KK states a letter went out on 6/6/07 and reviews photos with the Board. She states the property is located across from the Blackstone Building and there appeared to be a gravel area that was ripped up. She also adds that the property is in Natural Heritage. She does not know what is happening on site so she sent a letter ceasing work. DB agrees with the letter.

12. 78 Carey Road: 2nd Floor Addition

- KK states this is a second floor addition and there is a gazebo in the 25’ buffer. She reviews photos with the Board. KK states the property is off Leadmine Road and they had applied for a building permit for the second floor addition but it was never issued. She states that when she visited the property, she noticed the gazebo and does not know when it was built—it is not shown on any of the previous property plans.
- Members agree that KK should send a letter approving the 2nd Floor addition (same foot print of first floor) but wants the owner to talk to the Commission about the gazebo

- 13. Sign Permits and Discuss Site Walks:** Members to visit 200 Lake Road on own time prior to next meeting

Public Meeting adjourned at 11:29PM