

STURBRIDGE CONSERVATION COMMISSION

MEETING MINUTES FOR JULY 26, 2007

7:11PM OPEN MEETING

Members Present: Dave Barnicle (DB) Chairman, Donna Grehl (DG), and Dave Mitchell (DM)
Kelly Kippenberger (KK), Conservation Agent
Laura Hunter for Minutes

DB reminds the audience that the Commission requires a majority rule on votes, even with only three members present (vote must be 3/0 to pass).

DISCUSSION: 595 Main Street Violations

- Discussion begins at 7:12PM, G. Paquin present
- G. Paquin states he thought this meeting was to discuss 52 Stallion Hill Road. G. Paquin submits a packet to each member (copy of the 6/21/07 agenda, copy of the aerial map, copy of information request sent to Natural Heritage and a copy of Natural Heritage's response dated 6/15/07)
- KK clarifies that excavation occurred at 595 Main Street, which is in Riverfront Area to the Quinebaug and within mapped Natural Heritage habitat. A letter of violation was sent to the property owner, P. Jacques on 6/6/07 requesting attendance at the 6/21/07 meeting to discuss violations. She adds that G. Paquin came into the office stating that he will represent P. Jacques for 595 Main Street and he will attend the 6/21/07 meeting, he also requested to discuss 52 Stallion Hill Road with the Board. KK informed G. Paquin that erosion controls need to be installed at 595 Main Street. KK adds that the 6/21/07 meeting was continued to 7/12/07 due to lack of a quorum—she notified G. Paquin by phone message. No one showed up to the 7/12/07 meeting to discuss the 595 Main Street violations. She states a second letter was sent on 7/17/07 requesting attendance tonight for an explanation of activities.
- KK states there is an outstanding Forest Cutting Plan for 52 Stallion Hill Road, but the violations at 595 Main Street take precedence for discussion.
- DB asks G. Paquin if he is the property owner of 595 Main Street. G. Paquin responds it is P. Jacques and himself. DB asks KK if that is what she found. KK responds that last she checked the Assessor's database; it was just P. Jacques.
- G. Paquin reviews his presentation with the board outlining the parking lot area at 595 Main Street and explains his intention was to clean up the area to allow for parking.
- DM asks G. Paquin to point out the river on the presentation photos. G. Paquin states the lot is approximately 200-feet from the river and 100-feet from the wetland. He adds he contacted Natural Heritage, the Massachusetts Department of Fisheries and Wildlife. He was advised that he would need to have a complete plan for the area. He states KK requested he add a silt fence on the property and cease work.
- DB asks if there is runoff from the parking lot that is going down the slope. G. Paquin responds no.
- G. Paquin states there are stones around the perimeter of the lot and he removed some brush and growth.
- DM asks KK if the site is stable. KK responds yes and there is a backhoe still on site.

- KK states there is a clause in the Wetlands Protection Act for Riverfront redevelopment. However since excavation occurred without a plan, there is no way to know what the original footprint of the gravel parking area is.
- DG asks when the lot was last used as a parking area. G. Paquin responds approximately two years ago when the dance studio was in the building across the street.
- DM states that if the site is stable, KK should visit the site.
- DB asks if the plan is to use the site as a parking lot for tenants in the Blackstone Building. G. Paquin responds yes and that he would like to remove the dirt piles.
- KK states he will need a full Notice of Intent and will have to file with Natural Heritage for any parking lot improvements.
- DG asks if there is any run off from the road. G. Paquin replies no.
- KK asks why the Natural Heritage application states the location as the “Old Mill” on Holland Road. The subject parcel is 595 Main Street.
- G. Paquin responds he was interested in a determination for the entire area due to his interest in purchasing the Old Mill.
- G. Paquin asks the Board to schedule a site walk for Stallion Hill Road and discusses his plans for the area to be a gravel operation. He states there is an area that needs to be access for the gravel.
- KK states that the FCP that is pending requires the existing culvert on the perennial stream crossing to be replaced. She adds that any new road or access point will require a Notice of Intent.
- DM states he would like to take a look but wants to see the Notice of Intent filed first.
- DB states that any crossing will need to be able to support the weight of gravel removal equipment.
- G. Paquin states the existing crossing was intended for development of the area so the culvert should be sufficient to support the weight of any gravel removal.
- Other Board members agree that construction of any road outside the designated cart paths and outside the FCP would need a Notice of Intent.

DISCUSSION: 130 Lake Road, DEP 300-705

- Discussion begins at 7:29PM, property owners D. & L. Bemis are present
- KK states at the 6/7/07 meeting, members required the property owner to complete the restoration area prior to tonight’s meeting. She visited the property on 7/25/07 and offers the following comments: the area of additional excavation in the wetland for the underground utility line was stable with grass; the area located northwest of the house had some grass growing but more loam and seed is needed (loam stock piled on site); the shed has been removed and some plantings have been installed. There were plants on site in containers waiting to be planted.
- KK reviews photos with the Board and discusses the required plantings for the site.
- DB states any plantings will need to be hearty in wet soils and discusses various plants that would work well in this area.
- KK asks about the shed area. D. Bemis states they plan on planting the blueberry bushes in that area.
- DB states he is concerned with the trench area for the utility line and asks KK is that area is stabilized. KK states it is stable.

- DB asks if the ground is soft. D. Bemis responds it is a little soft and still needs some time to stabilize.
- DB states there could be some settling and advises the property owners to keep an eye on the trench area in case it requires fill in the future.
- KK states that area is flagged as a wetland and the grades were to be re-established prior to construction
- DG asks if the property owners use chemical fertilizer. L. Bemis responds no and states they used "Jonathan Green" seed.
- DM suggests KK check the site in September.
- D. Bemis asks if he can remove the hay bales. KK responds that some areas can do without hay bales and reviews those locations with the property owners (near the utility trench where the grass is fully established). She advises that once hay bales are removed, there may be a need for additional seeding.

7:40PM WALK-IN: M. Haesche: South Pond Addition

- M. Haesche states she is an architect and is present to observe the meeting in preparation for filing a Notice of Intent on her client's behalf for a house addition off South Pond.
- DB states the Town is very strict with 25-foot "no-touch" and 50-foot "no new structure" regulations.
- M. Haesche and Board engage in general discussion about Town requirements for filing a Notice of Intent.
- DG discusses possible mitigation plantings for natural buffer zones along the waterfront.

PUBLIC HEARING

NOI CONTINUED from 6/7/07: 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 7:44PM

**Present: L. Jalbert of Jalbert Engineering, Inc.
D. Grehl, abutter.**

DG recuses herself as she is a direct abutter.

Discussion:

- DB states there are only two members present (no quorum) and the meeting cannot be held. He apologizes to the applicant's representative for the inconvenience.
- DM asks if there is any new information to be submitted. L. Jalbert replies no, there is no new information.
- L. Jalbert requests a continuance and states that the meeting "will end" at the next hearing provided there is a quorum.

Hearing continued to August 2, 2007 at 8:55PM.

PUBLIC HEARING

NOI CONTINUED from 6/7/07: DEP 300-732 for proposed single family house and driveway wetland crossing at 130 Brookfield Road. Para Land Surveying, Inc. representing E. and D. Rearick.

DB opens public hearing at 7:51PM

**Present: R. Para, Para Land Surveying, Inc.
E. and D. Rearick, property owners.**

Discussion:

- KK states according to the Mullen Rule, DG has missed two meetings and cannot vote on this project. With DG not voting, there is not a quorum tonight.
- DB explains the particulars of the Mullen Rule.
- R. Para requests a continuance and states new plans were submitted for the Board's review prior to the next meeting.

Hearing continued to August 2, 2007 at 9:10PM.

7: 54 PM OTHER BUSINESS (As time allows)

Letter Permit: SCC 07-20 for above ground pool at 6 Vinton Road

- KK states that the house construction had an Order of Conditions (before her time as the Agent) and there is a potential vernal pool off Vinton Road. She adds she has no issues with the pool since it is located in the rear of the property and out of the 100-foot buffer zone.
- DM states the letter should include a provision that if the pool is disassembled, the water is not to be discharged into the wetland.
- Consensus of the Board to approve the letter permit request.

Letter Permit: SCC 07-21 for tree removal at 102 Paradise Lane

- KK states she received a call from B.Hitchcock, the property owner, asking about trimming trees that were hanging over the house and causing mold. KK also adds that she requested the removal of a birch tree.
- KK visited the property on 7/25/07 and shows members the photos.
- DB states there is a steep slope on the property.
- DG states she can leave the small birch and leave the stump and roots of the birch to be removed. KK states that is what was discussed on property with the owner.
- KK states there are new plantings being done as well.
- Consensus of Board to approve letter permit request.

Discussion of Summer/Fall Hearing Dates

- Summer hearing dates are agreed upon as follows:
August 2, 2007 – DM will not be present.
August 16, 2007
August 30, 2007
September 27, 2007
October 11, 2007

October 18, 2007

Discussion of Forestry Urban Grant at 47 Finley Road

- KK asks if the Board read the email from T. Chamberland, Tree Warden.
- DB responds yes and asks if T. Chamberland should get involved with the forestry plan.
- KK states that T. Chamberland is looking for the Board's approval for the Conservation Commission (meaning KK) to work with the Tree Warden on bidding this job out.
- DG agrees that KK and T. Chamberland working together is fine. She motions to create a sub-committee with T. Chamberland and KK for the Finley Road Forestry Urban Grant.
- DM seconds the motion, 3/0 in favor.

Draw Down of Lakes: State Requirements vs. Town Requirements

- KK states Members were to review documents sent via email by DM and herself that included draw down information and state requirements.
- DB asks if any Members have questions.
- DG comments that the guidelines should be strictly adhered to.
- DM states the draw down may not be feasible for December.
- DG states Cedar Lake has Natural Heritage. KK states that Big Alum Pond does also.
- DM states the Lake Associations will have delayed responses from Natural Heritage and adds that draw down is different from aquatic vegetation management.
- DB states the Cedar Lake Association insists the draw down is for the purpose of aquatic vegetation management.
- DG states if the draw down in fact does control the weeds, then she would like to see proof it is working.
- DB states waiting for a 2-inch thick layer of ice and then beginning draw down would help to uproot the vegetation.
- DM states Big Alum does not draw down as much as Cedar Lake. DG asks when the Cedar Lake draw down begins. DM responds he thinks usually November 1st.
- KK reads from email sent by Craig Moran of the Cedar Lake Association dated November 11, 2006 regarding Cedar Lake draw down.
- DM states the Commission will have to open to public comments when guidelines are set for draw down procedures.
- KK states amendments can be made to the herbicide Order of Conditions, in fact one of the Special Conditions identified that an Amendment is needed for draw down 2007.
- DM states the Massachusetts Department of Fisheries and Wildlife look for a maximum 3-foot draw down and states that should be part of the guidelines.
- KK reads from the Natural Heritage guidelines for draw down below 3-feet.
- DB suggests sending a copy of the guidelines to the Town Selectmen.
- DG states there are shallow wells on Cedar Lake.
- KK suggest sending a reminder letter to the Associations about draw down state requirements and she will email the letter to members for review.
- DM states the timing of the draw down is subject to circumstances. He adds that the guidelines should include the timing of the draw down, the duration of the draw down, identifying private well issues, and early notification from Natural Heritage.

- KK states the Lake Associations will need approval from the Massachusetts Department of Fisheries and Wildlife, Natural Heritage, and the Sturbridge Conservation Commission (Order of Conditions).
- DB suggests sending the letter out to the Lake Associations as soon as possible.

PUBLIC HEARING

NOI CONTINUED from 5/17/07 and 7/12/07: DEP 300-735 for proposed property improvements at 102 Gladding Lane. Related to DEP 300-505. Jalbert Engineering, Inc. representing G. Pelski.

DB opens public hearing at 8:30PM

Present: D. Roberts of Jalbert Engineering, Inc.

G. and S. Pelski, property owners.

Discussion:

- KK states she submitted a memo on 7/3/07 for review. She adds she received revised plans on 7/26/07. She states many changes have been made to the project from the plans submitted with the Notice of Intent. Changes include: location of patios, septic system location, a second garage has been added, and the drainage has changed. She states the property owners have purchased a piece of property to the north (portion of forest cutting plan property) for the septic system and new garage. This portion of the project has not been reviewed in the field. Outstanding issues from KKs memo include that the wetland is a potential vernal pool (which was pointed out in the original Notice of Intent filing), drainage on property, and the distance from the lake/wetland to the work area. She states the revised plans appear to be an improvement from the previous plans.
- KK reviews plans with the Board members and D. Roberts discusses changes to the patio area.
- KK points out septic changes, drainage changes, and the location of the vernal pool.
- KK discusses the planting plan and points out various plants from the planting list.
- D. Roberts states the changes that have been made to the garage and the carport.
- DB asks KK if she has had enough time to reviews the new plans.
- KK replies she has done a brief review and one of her initial questions way why the driveway is not being utilized for the septic line.
- DM asks about drainage. D. Roberts refers back to the original plan and states the original owner of the property had several different pipes and catch basins. D. Roberts reviews the drainage channel coming out of the wetland with the Board.
- KK states the wetland delineation is different. D. Roberts responds that in 2002, wetland flagging was not done in the same way it is done now and compares the drainage plans from the old plans with the new plans.
- DB asks why the catch basin was indicated as "To Be Removed" on the 2002 plans (previous NOI filing from DEP 300-505)
- D. Roberts replies the drainage was being abandoned and the plans were revised when the existing leach field failed. He adds that based on the concerns of the Commission, the drainage system was changed to use the existing pipe.
- KK asks when the pipe was installed. D. Roberts states it is the original 6-inch pipe from the catch basin.
- KK reviews and discusses the pipe on the original plans (previous NOI filing from DEP 300-505) with D. Roberts and the Board.

- D. Roberts states the pipe goes to the end of the pavement and describes the proposed drainage system using a stormceptor.
- KK reviews the photos with the Board.
- DG asks if the runoff from the road and driveway will go into the catch basin. D. Roberts replies yes.
- DB states the water will need to be treated as it is conducted back to Leadmine Pond and adds they do not want to drain the vernal pool.
- DM asks if the vernal pool is certified. KK states it was a condition on the original Order of Conditions to study and classify the vernal pool.
- D. Roberts states no study was done and the vernal pool has not been certified. DG states that her and KK found salamander eggs in the open water area.
- D. Roberts states there is a proposed drop inlet with an exit pipe at the catch basin and states the drop inlet is at elevation 112.9 and the 6-inch exit pipe at 112.93. Draining the wetland will not happen since it is at the same elevation.
- DB states it should be indicated in the Order of Conditions to check spot elevations once it is installed. D. Roberts states they have an "as-built" survey of everything on the property and the drop inlet can accept massive amounts of water in a short time. He continues to review the proposed drainage system. He adds that the groundwater is 30-inches below grade.
- DM states in the springtime there could be excessive volume and potential flow.
- D. Roberts states there is a smaller pipe for discharge to the lake.
- DM asks about the pipes that are currently on site. D. Roberts states that some have been on property for some time and they did not want to cause additional disturbance.
- KK asks about excavation for the underground drainage facility and stockpiling. D. Roberts responds they have placed hay bales to protect the site and points out the stockpiling area on the plans.
- DM asks if the patio size has increased. KK responds that it appears that the patio closest to the lake has increased in size.
- D. Roberts states it is not a standard concrete patio and the property owner would like to use flagstone or bluestone for the patio leaving space for moss to grow between the stones.
- DM asks if blasting is necessary for the septic system. D. Roberts states he does not know at this time.
- DB asks why the existing driveway is not being used for the sewer line location. D. Roberts responds that would require the pipe to be reinforced (for traffic) which is more costly and causes more disturbance.
- DM asks the area of clearing to be indicated on the plans. D. Roberts states he will stake out the area in the field and adds there is a cleared area already present for the sewer line with a defined accessible area causing minimal disturbance.
- DG states she has concerns with joining the runoff from the dirt road connecting to the outlet from the vernal pool. D. Roberts states the runoff will all go downhill.
- DM asks about boulder retaining wall near the new garage within the 100-foot buffer zone. D. Roberts states it is a five bay garage. DM asks if there is a second floor. D. Roberts verifies with the property owner. S. Pelski states yes, there is a second floor.
- DM states it is excessive to put a second carport within 50-feet of a vernal pool with such a large structure within the 100-foot buffer. He adds it is encroachment to the wetland and states the carport is out of the equation for him.

- DM asks KK about the plant list and if it is a garden type plants or mitigation. DG states it does not create a buffer zone but is a nice garden.
- DG asks what is the difference between the size of the proposed house (shown on the 2002 plans) and what was actually built. D. Roberts states the size of the house has decreased.
- DG states an overall 47,000 square-foot disturbance is a lot. D. Roberts states it is outside of the buffer zone and is within an 80+ acre parcel.
- DG states the Commission has jurisdiction to the 200-foot buffer zone and states the disturbance is within 200-feet of the lake. D. Roberts states the state regulation is only 100-feet.
- DM states they need to attempt to draw back from the conflict areas and adds that although the patio area is now impervious it is also much bigger. He states he sees no need for an additional carport and mentions phasing.
- DG asks about the large pine tree in the right-of-way. D. Roberts states the tree is damaged and DG asks how it is damaged. D. Roberts states there are dead branches and the stump is rotting. DG states she would need to see the tree before agreeing to its removal.
- DB asks the property owner to come forward and offer comments.
- S. Pelski discusses the garage size and the proposed plantings.
- DM responds that plantings should be more mitigation and offer a buffer zone between the lake areas and the active areas. S. Pelski continues to review the plantings.
- DM points out the patio. DB states the patio is considered a permanent structure and there is a regulation for no new permanent structure with the 50-foot buffer zone to the Lake.
- S. Pelski states she did not want to plant grass but wanted a flat surface to support a table and chairs with the use of historic looking stones. She adds that she purchased additional land around the property to preserve the area from development.
- DM suggests removing the carport, making changes to the plantings, and including a phasing plan.

Hearing continued to August 16, 2007 at 7:30PM pending revised plans.

PUBLIC HEARING

NOI: DEP 300-745 for proposed garage addition at 60 Streeter Road. Proposal submitted by property owner, J. Aktiv

DB opens public hearing at 9:22PM

Present: J. Aktiv, property owner

Submission: Newspaper ad and certified mail receipts received 7/23/07

Discussion:

- KK states this is the first hearing on this project, which includes a garage/house addition within the 25-foot buffer zone. She adds the property has site constraints with the property line, septic system and wetlands. The area of the proposed garage currently exists as lawn. She states that for mitigation, the applicant has proposed plantings of red maple and witch hazel in the 25-foot buffer zone. She states she visited the property on 7/25/07 and distributes photos to the Board. She would also propose for mitigation that stone be added behind the shed where there is now a tarp with some erosion so the area can be stabilized.
- J. Aktiv states the area behind the shed currently has stone.
- KK reviews the photos and the plans with the Board.

- DG asks if the applicant can build up. J. Aktiv responds he cannot due to non-conformity of the structure.
- KK discusses the septic system location and that the addition cannot be over the system.
- DB asks KK what her recommendation is on the project.
- KK states the proposed area is now lawn and the options would be to make the proposed addition smaller and have mitigation (plantings). She states that her only concern would be roof run-off and erosion.
- DM suggests changing orientation of addition.
- J. Aktiv states he cannot change the orientation, as it would not fit within the zoning setbacks.
- DM asks how big the house is currently. J. Aktiv states approximately 780 square-feet. DM asks how big the addition is. J. Aktiv states "24 x 38". DM states that is doubling the size of the house.
- J. Aktiv states it is a non-conforming structure on a conforming lot and he cannot exaggerate the structure and cannot build up.
- DM states he would like a site visit.
- J. Aktiv states that behind the house is septic sand. DM asks when the septic was done. J. Aktiv responds 1989.
- J. Aktiv states he is not disturbing the wetland.
- KK looks through the files and states that a RDA was done for the septic in 1990.
- DB states there will be a site visit before the Board can vote.
- J. Aktiv states he would like to keep the landscaping and the proposed addition would be used as a garage and a woodshop.

Hearing continued to August 16, 2007 at 7:50PM pending site visit

PUBLIC HEARING

NOI: DEP 300-746 for proposed septic system repair/upgrade at 13 Library Lane. Green Hill Engineering, Inc. representing the Hennessy's.

DB opens the public hearing at 9:33PM

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

Submissions: Certified mail receipts. *Newspaper ad NOT submitted.

Discussion:

- KK states the newspaper ad has not been submitted and the public hearing required proof of advertising. She adds that if the Board agrees to open the meeting without proof of advertising, the hearing will need to be advertised again and the minutes from tonight will need to be read into the record.
- DB states the Commission agrees to open the hearing without proof of advertising. Other members agree
- KK states this is the first hearing on the project, which includes a septic system repair/upgrade as the property is up for sale. She adds the new septic system is located in the only forested area of the parcel which is within 55-feet of Walker Pond and a perennial stream. She states she believes there are alternatives that may result in less of an impact. She adds that members may recall visiting the property for a consultation for a house addition (application was never

formally filed). She states she visited the site on 7/25/07 and distributes photos to the members for review. Upon her visit she saw miscellaneous dirt piles on the cart path with no erosion protection.

- DG asks about possible alternatives.
- M. Farrell states the current system does not meet full compliance with Title V and that Title V dictates that septic systems need to be at least 50-feet from a wetland.
- KK states that Sturbridge requires 50-feet for repairs and 100-feet for a new system.
- DB asks if the new system will conform to Title V. M. Farrell states the system needs to be 100-feet from a well.
- DB asks if they propose to remove all trees and tree root systems near the system. M. Farrell responds the trees would need to be taken down.
- DB asks if an above ground system would be better. M. Farrell responds it is an above ground system.
- KK asks if a tight tank is an alternative. M. Farrell responds no and DB asks why. M. Farrell states a tight tank can be used when there are no other alternatives and the state requires proof that no alternatives are present.
- DM states he would like to see the site and that disturbance needs to be minimized. DB states they will schedule a site visit.
- KK asks if the private wells shown on the plan are active. M. Farrell replies yes.
- M. Farrell highlights area on plans that would be the only acceptable area for the system to meet Title V.
- DB asks M. Farrell to stake the four corners of the area prior to the site visit.

Hearing continued to August 16, 2007 at 8:10PM pending a site visit.

PUBLIC HEARING

NOI: DEP 300-747 for proposed single-family house demolition and reconstruction at 271 Holland Road. Jalbert Engineering, Inc. representing the Kimball's.

DB opens the public hearing at 9:47PM.

Present: D. Roberts of Jalbert Engineering, Inc.

R. Bercume, abutter.

Submissions: Newspaper ad and certified mail receipts.

Discussion:

- KK states this is the first hearing on the project which includes razing a house and building a new house, driveway and septic in the rear of the property. She states she believes the area is an old farm and there are pockets of wet, soggy ground throughout the property. She adds there is a potential vernal pool within the wetland, which appears to be an old farm pond. The new house location will be cut into a hill, the base of the hill is wet with mosses and sensitive fern growing in but no other wetland species are dominant. She states there is high ground water at base of hill causing the raised septic system. She visited the property on 7/25/07 and distributes photos. She states the driveway cut is within the 50-foot buffer zone but the area is a flat field.
- DB asks how far down on Holland Road the property is located. D. Roberts states it is close to the Holland town line.
- DM asks if the property is subdivided.

- KK reviews the plans and the photos with the Board and states the project location appears to be lots 267 and 271.
- DB asks if there is a steep slope on the other side of the street. D. Roberts replies there is and the site was an old farm field.
- KK states she is concerned that there are two parcels here, the project was only advertised for 271 Holland Road.
- D. Roberts states that he believes it is one parcel, both are owned by the same person. He adds that the new house will be completely handicap accessible.
- KK states they will be cutting into the hill in the back of the property.
- DM discusses erosion and controls along the dirt road to the west side of the project.
- KK asks if the septic is raised because of groundwater. D. Roberts replies yes and adds the Board of Health requested an atypical cross section. He states there is nowhere for the water to go. He adds the water present is not actually groundwater, but water from the hill. They made an assumption as to where the groundwater level actually is and it will be Title V compliant with a Presby septic system.
- D. Roberts describes the Presby septic system.
- DM asks about roof drain for the house. D. Roberts points out roof drains on plans.
- KK asks where the drains discharge. D. Roberts states into a 500-gallon leaching pit.
- DG asks about the catch basin on Holland Road. D. Roberts states the catch basin is being left "as-is".
- DB and D. Roberts discuss the grades and the canting of the driveway.
- D. Roberts discusses the right of way or cart path that was once used by three owners in the area.
- R. Bercume (abutter) states he owns the existing cart path, which is on his property at 273 Holland Road. He states the town would not allow him to use the existing path for his driveway and he was forced to install a new driveway. He adds that the neighbor regularly uses the right of way even though it does not belong to him.
- KK and R. Bercume review plans and identify property lines for 273 Holland Road, which include the right of way.
- DM states he would like an example of a typical boulder retaining wall as is proposed on the plans. He adds he would like to schedule a site walk.
- R. Bercume states he is concerned with the use of the right-a-way for demolition and construction vehicles.
- DB states a condition can be drafted to include construction phasing with the installation of a gravel drive prior to construction.
- DM suggests using hay bales to limit the area of construction. D. Roberts states they would use hay bales as well as a silt fence.

Hearing continued to August 16, 2007 at 8:20PM pending a Site visit.

10:11 PM OTHER BUSINESS

Enforcement Order for 120 Lane 10, DEP 300-714

- M. Farrell of Green Hill Engineering, Inc. and D. Vizard, property owner present for discussion
- KK states the Enforcement Order was issued on 7/11/07 and since then additional erosion controls have been installed and some soil debris was removed. Her outstanding concerns

include: access road is wider and no gravel has been installed per plan. She states the erosion controls are still not installed properly and there are two perimeter drains, which are not shown on the plan. She adds she visited the property on 7/25/07 and distributes photos.

- KK asks who installed the erosion controls, as the stakes are not firmly in the ground.
- D. Vizard states he “pounded the hell out of the stakes” and thought they were secured.
- DB states the original erosion controls were not installed properly.
- KK states the silt fence is falling down and the hay bales are not staked along the perimeter of the property. She shows photos
- DG asks if anyone is checking the controls at the end of the day to ensure everything is in place.
- M. Farrell states the groundwork is complete and the critical part of the project is the access road. He adds that they would like to proceed with construction.
- DB asks about the access road and the width on the plans versus the width in the field.
- D. Vizard states for lumber delivery there needs to be a 12-foot clearance. DM states there was a discussion about this at the initial hearing for the project. D. Vizard states the discussion was about the post-construction finished road.
- M. Farrell states the erosion controls on the access road were not in place for the well drilling. It was a mistake by the drillers
- KK states the site was left a mess after the well was drilled.
- D. Vizard states the well permit was three weeks late, the contractors had left the site and the well drilling had an unanticipated high yield.
- DM states the key is how quickly you respond to the emergency.
- DB states he visited the site after hearing from KK and the site was a mess.
- D. Vizard states the contractors were scheduled to return to the site and were “scared off” by the cease work letter.
- M. Farrell states the contractor did not want to go on the site while it was under an Enforcement Order. He adds he spoke with KK about the removal of the extra dirt used for the drilling.
- DB states the site was unstable and the stop work order was issued. He asks KK if the site is now stable. KK responds the site is better but she still has concerns with the erosion controls.
- M. Farrell states that the controls worked well and adds there were no water issues.
- DB states the hay bales are not pinned properly and the silt fence is not toed in properly in places.
- M. Farrell states the well company dug the well, water was generated and a pipe was installed. He then adds the pipe was breached due to too much water.
- KK asks when the well was drilled. D. Vizard replies July 3, 2007.
- KK states she visited the site on July 11, 2007 and it was a mess. The conservation office should have been notified of the damage done by drilling the well.
- D. Vizard states that when he saw the condition of the property he called (Kearns) the contractor who was afraid to come back on site because of the stop work order.
- DG states the erosion controls need to be put in place as soon as possible and put in correctly as stated in the Order of Conditions.
- D. Vizard states the contractor was not on site the day the well was dug due to the well permit coming three weeks late.
- KK asks if that was because of the Board of Health. D. Vizard responds yes.
- DM states the erosion controls need to be fixed and asks if the foundation footprint has been changed from the original plans.

- M. Farrell states that the footprint was changed on the recommendation of the builder, David Snay.
- D. Vizard states he moved the house back 40-inches to gain clearance from the trees that will not need to be removed.
- KK states everything needs to be on the plans including any changes. DB adds that if something is going to be added it has to be on the plans.
- D. Vizard states the hay bales were not placed exactly as stated on plans. He states the hay bales were moved to the other side of the trees for stabilization.
- KK asks if the tree were the same ones that had been flagged for removal. D. Vizard replies yes. He states he sent a diagram to KK via email.
- DB asks KK if she is satisfied with the driveway. KK states she is not and she would like to know about the materials used, it appears that there is no crushed gravel or rip rap stone
- DM asks about the deck. D. Vizard states his builder (D. Snay) recommended adding the deck to the plans in the event a deck would be added some time in the future.
- KK reads driveway requirements from sequencing notes on plans and asks if that is an accurate representation to what is on site.
- D. Vizard states there is 6-inches of compacted gravel.
- DB asks why the contractor (Kearns) is making site changes. D. Vizard responds there is too much trap rock and the area is too soft.
- DB states it is a major change to the plans and that the Commission needs to know about such changes. D. Vizard responds that his contractor wants to pave the driveway. He adds he is trying to resist the paving and use rock.
- DB suggests getting recommendations on trap rock and discussing that possibility with KK.
- KK asks about drainage in turnaround area. D. Vizard states that will be the last thing to be done.
- DB asks the Commission what they want to do about the Enforcement Order.
- DM suggests making minor adjustments to the erosion controls and gravel.
- KK would like to see the changes on the plans.
- M. Farrell states he will have the hay bales taken care of by Monday (7/30) and requests meeting KK at the site Tuesday (7/31) morning.
- DB states that when the contractors leave the site, the check dams need to be put back in place.
- D. Vizard states he is looking to come up with something other than hay bales to use.
- KK states a gravel check dam can be used, it will act as a speed bump for water and vehicles.
- DG motions to release the Enforcement Order and restore the site to KK's satisfaction.
- DM seconds motion. 3/0 all in favor of releasing the Enforcement Order.

Status of 246 Fiske Hill Road Enforcement Order: DEP 300-677

- R. Para of Para Land Surveying, R. Lyon of Lyon Construction (owner) and C. Sylvestri, abutter present for discussion
- KK states she visited on 7/25/07 and found the site was dry and appeared to be temporarily stable. She states no work has occurred on site since the last meeting and some areas of grass are growing (near culvert 3) other areas are not growing yet. She adds that nothing has been done at culvert 1, pavement debris remains, and the culvert was installed incorrectly. She requested that the sediment from the buffer zone that breached the erosion controls be removed by hand and saw buckets and shovels on site. She states it looks like no one has been on site for weeks.

- R. Lyon states limited work has been done on the site in the past few weeks. He states he was out of town on a family emergency and he finds himself running out of money and will need to put the land up for sale. He states he will finish the seed and mulch on the site, but there will be no additional work done until late August or early September.
- DB asks if he will fill in the areas where the seed did not take. R. Lyon responds that he will re-seed and mulch those areas and then put it up for sale.
- R. Lyon states his loan is up in November and if funds become available he will continue to work on the site and replace culvert 1.
- DB states the hydro seeding was not done properly and voices concerns that with nothing being done on site before November, the site may not be stable through the winter months.
- R. Lyon states he hopes to see some money available in late August or early September.
- DB asks R. Para about the site. R. Para responds the site needs additional seeding and suggests adding clover and rye grass to secure the site.
- DB asks about culverts 1 and 2. R. Lyon states the hydro seeding is very sparse. DB asks if he intends to fix it. R. Lyon responds yes. DB states the areas between culverts 2 and 3 look good.
- KK asks who did the hydro seeding. R. Lyon responds HydroGrass in Oxford on Route 20.
- DG asks about the retaining walls. KK states only at culvert 1.
- R. Para states that seeding the area of culvert 1 as is should not cause more sedimentation but there will be a good deal created if the wall is to be built.
- R. Lyon states that when the property is listed, the disclosure will state culvert 1 needs to be replaced and the retaining wall is to be installed. R. Lyon describes his financial situation and states that if he can hold out until November his loan can be extended and then the work can be done. KK adds that the property for sale ad shall state that it is currently under enforcement with the Commission
- DG states she is concerned with who is responsible for the site if it is not sold and winter moves into spring and heavy rain season.
- C. Silvestri (abutter) states he is concerned with the fall hurricane season more than the spring rain season.
- DB states he is okay with using clover or winter rye to stabilize the site.
- KK asks about area at culvert 1 where there is rock debris present. DB states the rock debris needs to be removed so the seeding can be done. KK asks if seeding will be done. R. Lyon replies yes.
- R. Lyon states he will remove loose pavement and seed over the next couple of weeks. DB asks for a more specific time frame. R. Lyon states Monday, Tuesday, and Wednesday of next week to seed between culverts 1 and 3 with clover and winter rye mix. He adds the asphalt material will be removed the week of August 6, 2007.
- DB states by August 2nd, seeding will be done; and by August 10th, asphalt will be removed.
- KK suggests they meet again on August 16, 2007 and states she will visit the site prior to the meeting to evaluate.
- R. Para asks if the daily reports can move to a weekly schedule. KK responds yes, for the next two weeks.
- C. Silvestri states regardless of the owner of the property, he would like to see the site done properly.

Request for Extension: DEP 300-607 at 5 Vinton Road

- KK states there is a request for a three year extension and adds erosion controls need a little maintenance and it appears the driveway may be wider in some areas. She states the tree clearing crew did track machines outside of the hay bales.
- KK states she and DB visited the site a couple months ago.
- DB suggests giving the extension.
- KK states there has been no site work for a while.
- Consensus of Board to grant three-year extension.

Sign Permits

Meeting Adjourned at 11:40PM.