

## **STURBRIDGE CONSERVATION COMMISSION**

### **Meeting Minutes from August 16, 2007**

#### **7:04PM – OPEN MEETING**

**Members Present:** Dave Barnicle (DB), Chairman; Ed Goodwin (EG); Donna Grehl (DG); Dave Mitchell (DM) at 7:06PM  
Kelly Kippenberger (KK), Conservation Agent  
Laura Hunter, Minutes

#### **CPA and Zoning Study Committee Update**

- DG states there is no update for the Zoning Committee
- EG states the next CPA meeting is scheduled for 8/20/07.
- DB states he heard a rumor that the funds for the Holland Road property has fallen through and the land will be available to purchase again. EG states he will look into it. DB states he believes that the second highest bidder (Town of Sturbridge) will have the option to purchase.

\*\*DM enters meeting

#### **DISCUSSION: 31 Bennetts Road Planting Plan**

**Discussion begins at 7:07PM**

**Present: M. and K. McKnight, property owners**  
**E. Neal, representing previous owner (J. and R. Dulka)**

#### **Discussion:**

- KK states Board members visited the property on 8/5/07 and a revised planting plan was submitted on 8/9/07. KK adds that if members approve the planting plan, she recommends giving a dead line for installation.
- KK reminds the Board that the planting plan is to mitigate for the circular driveway in violation and she assumes the owners will request a Certificate of Compliance once the plantings are installed.
- DB asks the property owners how they feel about the plan submitted.
- M. McKnight asks about the rip-rap and the rodent guard—he does not recall that ever being on the plan. KK explains the reasons to have these included in the plans.
- M. McKnight states if E. Neal and his clients are willing to pay for it then he is fine with the plan.
- EG asks about the areas of lawn. E. Neal describes the area around the proposed hydrangeas and towards the water and states there is a three-foot area of lawn between the plantings and stonewall.
- DB asks about the plants on the southern side of the property.
- E. Neal discusses other areas for plantings and states the owners wanted to leave the southern area free for chairs.
- DB states that if rocks are removed it is the same as removing habitat and asks about area near the shed. DB states E. Neal took notes during the site walk, he recalls discussing plantings along the Lakefront.
- E. Neal states he took all the comments and drafted a plan.

- EG states his concern for the lake is the buffer zone between the house and the lake. He adds that if the buffer area is lawn, then the protection to the lake is lost.
- DG asks about the area near the shed that exists as brush. She states she is not intending to block the view of the lake but adds that grasses and ferns were discussed at the site visit. She states low plantings are fine but they must be particular varieties of plants, not ornamental.
- DM states the nature of the hydrangea will draw back and create a buffer zone and asks the property owners if they will agree to a two foot “no mow” zone at the Lake’s edge.
- DB states the goal of the plantings is to mitigate.
- DG asks if this is a regular hydrangea and not the miniature variety.
- DB asks the Board if they feel the planting plan is sufficient. EG responds he would like to add the “no mow” area.
- M. McKnight states he will leave the area between the lake and the plantings un-mowed—in the area of the shed.
- KK asks the area to be pointed out on the plans. E. Neal shows the area proposed as “no mow” (near the shed).
- Property owners and Board discuss that snakes have been seen on the property.
- KK asks if the only change to the plan is the addition of the “no mow” area.
- DB asks the Board for a motion to approve the plan as presented with the addition of a “no mow” area near the shed. DM motions to accept. EG seconds motion.
- KK asks if it will be monitored and states the original condition was to complete the plantings by 9/27/07. She adds she will visit the site prior to the meeting on 9/27/07 and report back to the Commission.

### **APPOINTMENT: 200 Lake Road Review of Deck Proposal**

**Discussion begins at 7:21PM**

**Present: N. Flynn, property owner**

**B. Colwell, abutter (194-196 Lake Road)**

**Discussion:**

- KK states the new proposal was received as requested by the Commission on 8/13/07 for review and includes removing a 24 x 2-foot section of the deck and planting evergreen shrubs in the area. She adds the proposal also includes planting trees and bushes throughout the property.
- EG states he has not had a chance to review the site and has no comment to offer.
- DG states she is concerned with the precedent this may set and is concerned about the longevity of the tree the deck was built around.
- DM asks the property owner how they came up with the 24 x 2-foot dimension. N. Flynn responds her husband wanted to keep the four corners of the deck as they were for support.
- DM asks how the evergreens will be planted. N. Flynn states they will be planted behind the stonewall. KK confirms there will be the wall, then plants, then the deck.
- DM states two feet may not be enough room for the evergreen plants. N. Flynn states they will gauge the space needed when they are ready to plant. She adds the deck around the trees will be cut back more than currently to allow for growth of the trees.
- DM asks if they are willing to scale the deck back by four feet. N. Flynn responds that four feet might be too much.

- DM states he is also concerned with the precedent this will be setting. He adds that he likes the mitigation proposal but reminds the property owner that this was done without approval. He asks where the other planting will be placed.
- N. Flynn states she will look at the entire property to find the most suitable place for new plantings. She states some hemlock trees at the driveway are deceased and she would like to replace those.
- DM asks how they will access the lake. N. Flynn replies [the access will be] on the side of the stonewall.
- EG asks if they looked at the side of the house for the deck. N. Flynn responds there was not enough room when taking the property line into consideration.
- DB states the site visit revealed no other place for the deck and adds that although it was done without a permit, the deck is helping the resource area.
- N. Flynn states there was some growth in the area but it did not do well.
- DG asks if there is any sedimentation to the lake. N. Flynn responds she doesn't think so. DG states she would know as the water would appear murky. N. Flynn states the water is clear.
- DG asks what types of plants are proposed. N. Flynn states she is willing to take suggestions. KK states there is documentation available to assist in plant selection.
- DM suggests plants that are low light tolerant.
- B. Colwell (abutter) asks if everybody can build a deck like that on his/her property.
- DM states that each project is reviewed on a case-by-case basis and the applicant would need to submit a Notice of Intent (NOI) and come before the board.
- B. Colwell stated he has lived on Lake Road all his life and would like a similar deck but he has always "played by the rules".
- EG states there is a 25-foot no touch buffer and a 50-foot no new structure buffer. He adds that this deck was a violation and has to be dealt with as a violation.
- DM states he would like to see more information on the proposed plantings.
- KK states this is a violation and if the Commission would like more information they can require a Request for Determination of Applicability (RDA) or an NOI to be filed with a deadline.
- DM asks KK what her recommendation is. KK responds that a RDA may be appropriate. Members agree.
- DB states he would like an RDA submitted and asks the applicant to work with KK.
- DM asks N. Flynn if she understands what the Commission is asking of her. N. Flynn replies no. DM describes the RDA process.
- KK states the deadline for the RDA would be 9/6/07 to be heard at the 9/27/07 hearing.
- DM makes motion to require an RDA by 9/6/07. EG seconds motion. Vote: 3/1 (DG opposed)
- KK tells N. Flynn she can find information about buffer zone plantings online.

**\*\*\*COMMISSION TAKES 5 MINUTE RECESS\*\*\***

## **PUBLIC HEARING**

**NOI CONTINUED from 7/26/07: DEP 300-735 for proposed property improvements at 102 Gladding Lane. Related to DEP 300-505. Jalbert Engineering, Inc. representing G. and S. Pelski.**

**DB opens public hearing at 7:42PM.**

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

**E. Neal of Neal Law Offices  
G. and S. Pelski, property owners.**

**Discussion:**

- KK states revised plans were submitted on 8/9/07 that show the mitigation/planting area removed. She follows up that she visited the property on 8/15/07 to review the area of the proposed new garage and septic system across Gladding Lane. She informed the applicant's representative that mitigation for the 25 and 50-foot disturbance needs to be on the plan or the plan is incomplete. She states she recommended the area between the driveway and potential vernal pool to be planted for mitigation.
- KK states revised plans were re-submitted on 8/16/07 that shows the area between the driveway and the potential vernal pool to be planted and restored, she adds that this area has the potential to be a nice buffer. She states she has no issues with the work across the street as it is previously disturbed with the logging activities. She states the stormwater treatment to be an overall improvement but recommends more plantings in the mitigation area and more restoration of the driveway. KK reviews plans and photos with the Board and points out area for more mitigation with woody vegetation.
- DM states he has issue with the proposed carport (garage) being in the 50-foot no new structure buffer zone.
- DG asks about the vernal pool. D. Roberts states it is a potential vernal pool. KK states the area was designated as a potential vernal pool during the house Notice of Intent process.
- KK reviews original plans for DEP filing 300-505 and states the garage was approved—however the location has been slightly modified to be closer to the wetland.
- DM states the recently revised plans are not responsive to the issues raised at the last hearing; size of the patio, carport garage, and mitigation area near the Lake.
- D. Roberts discusses the drainage system improvements from the 2001 plans to the 2007 plans and points out the addition of the drop inlet (112.90 elevation vs. 112.93 elevation), the catch basins and the culverts. He states that the potential vernal pool will not be drained since the drop inlet will be set at the same elevation as the existing pipe.
- DG asks about existing deck on the plan. DB asks if the deck was on the original house plan.
- S. Pelski states it is not really a deck but a small porch under the roofline off the bedroom.
- DG refers to the plans and states as she looks at the 200-foot buffer there is nothing left but house, patio, and garage. She re-states that there is nothing "natural" left.
- D. Roberts discusses changes to the plans.
- DM states the Commission must determine what has an impact to the lake.
- DM states he still has a problem with the carport garage, patio, and mitigation. There is no need to add more structures closer to the resource areas
- E. Neal states the applicant will add plantings and can reduce the size of the patio. (E. Neal makes notes on project plan)
- DB asks how the carport garage will affect the resource area. D. Roberts responds it has no impact as there is no run-off.
- DM states the location of the garage has moved closer to the wetland into an area for no permanent structure.
- KK refers to the original plans to compare the location of the garage that was approved with DEP filing 300-505 to the proposed location of the garage for DEP filing 300-735.
- DM states the house size is different and there are more semi-pervious areas.

- D. Roberts states to move the carport back to the originally proposed location of the garage would require removing several trees (hemlock and butternut).
- DG asks if the area of the new carport garage is already cleared out. It appears that it is to be located in the area marked as “boulders and ledge” on the DEP 30-505 plan.
- DB states the approval would create a precedent for building in the 50-foot no new structure buffer.
- D. Roberts quotes from the Sturbridge 50-Foot Bylaw. DB states the Commission knows the bylaws and re-states approval of this project would set a precedent.
- D. Roberts states the carport would not have an impact to the resource area.
- DB asks if the clearing was approved. D. Roberts replies no.
- DB states that because area was cleared out without approval does not then give permission to build in that area.
- D. Roberts states his client wants to protect the trees and the carport will not affect the wetland.
- DB states the Commission is fully supportive of saving the trees.
- KK states she would like to see the area between the wetland and the garage fully restored if there will be a new structure in the 50-foot buffer.
- E. Neal states the applicant is willing to cut the patio next to the lake to half its proposed size and add plantings along the dock area. He also adds that the area between the driveway and the wetland can be restored.
- DG asks for clarification on the area to be restored. E. Neal marks on the plan the area to be mitigated
- DM states there is a lot of a pavement and parking area on this residential lot.
- KK states that the turnaround area in the 50-foot buffer zone should be restored (refers to photos). KK states that the property owners have stored materials and machinery in this area and it would be nice to fully restore the turnaround in exchange for the carport garage.
- G. Pelski states he is “totally fine” with KK’s proposed restoration area. (S. Pelski not present for discussion).
- DB states the patio area is a large impervious area in the 100-foot buffer zone.
- D. Roberts states moss will be planted between the stones. DB asks what is under the stones. G. Pelski responds gravel.
- EG asks about using stone dust instead of gravel. D. Roberts states gravel would be better as it allows the water to penetrate into the ground. DB asks if stones will create a run-off problem. G. Pelski replies he does not think it will.
- DB states he is concerned that in heavy rain storms there will be a lot of water and asks where the run-off will go. D. Roberts states the water will be collected and treated in the proposed stormwater system
- EG asks about the location of the stormwater system and if it is marked for a site walk. He adds he would like to see the carport garage location and the new mitigation area to be marked.
- DB asks if there will be more excavation for the septic line installation.
- G. Pelski states he is trying to avoid taking any trees down but some smaller trees might need to be cleared for the septic line.
- DB asks if anything bigger than 6-8 inches in diameter will be removed. G. Pelski responds no.
- DG asks how wide the trench will be. D. Roberts states about 20-inches in width. G. Pelski corrects him to state about 18-inches. DG asks how deep the trench will be. D. Roberts states 3 or 4-feet.

- KK states the Order of Conditions will need to be done in a particular order with mitigation first and stormwater control second. The accessory items (patios, garage etc) will need to be built after the mitigation and restoration is complete.
- DB states he would like to see more specific phasing on the plans
- KK reminds the Commission that the original Order of Conditions for the house required a stormceptor unit to be installed and that it has not been done. Part of this current project is to complete items that were not previous done and also for new proposals. The Commission needs to be aware of that.
- DB asks if there are any abutters present. No response.
- DG asks about the catch basin. D. Roberts describes in detail the proposed drainage system and elevations.
- KK states it is not a catch basin but a drop inlet and reviews the profile plan of the drainage system with DG.
- DG states that the vernal pool is not to be drained. KK states is will not be drained any more than it is now—if the elevations are set right. As soon as the drop inlet is installed, the Commission should ask for the elevation to be determined, to make sure it was installed correctly immediately.
- DG asks about drainage from garage. D. Roberts states it is a standard gutter system.
- EG states he would like to see revised plans showing E. Neal’s mark-ups and would like to take a site visit.
- E. Neal asks G. Pelski about the turnaround area on plan. DB states it has been agreed that it will be restored as part of the mitigation.
- DG asks about the erosion area next to the stairs. G. Pelski states that the house is still in a construction state and when all the construction is done these smaller areas will be addressed.
- DM states the changes needed to be incorporated on the plan are, the size of the patio area, mitigation in the area abutting the driveway, by the dock, and adjacent to the vernal pool. (S. Pelski re-enters discussion)
- All parties discuss the mitigation areas as indicated with written edits by E. Neal on the plans.
- DM asks the Commission when onsite to look closely at the area to be used for the proposed two story, five bay garage and also at the area for the proposed carport garage located 26-feet from a vernal pool.
- D. Roberts adds that the owners purchased the land across the street (80 Leadmine Lane) to protect from development.
- E. Neal states he would like a vote pending the new information to be submitted (revised plans and site walk) so that the Order of Conditions can be signed at the next hearing.
- KK states she does not recommend a vote since the Commission would like to see the revised plans and the mitigation area in the field prior to. She adds that the visit would take place prior to the next meeting on 8/30/07 and the vote will be on 8/30/07 in two weeks.
- KK gives a continuance date and time of 8/30/07 at 8:50PM. (S. Pelski and L. Jalbert in a side discussion)
- L. Jalbert states he will not mark the areas of mitigation and will not provide revised plans.
- G. Pelski states they have spent a lot of money on revised plans. KK states the revisions were changes the applicant made, not requests by the Commission.
- S. Pelski states the plans are expensive and she would rather put the money into the plantings on the property then revising the plans again. She does not want to continue with another hearing.
- G. Pelski states the process is taking a long time and he feels the project is being pushed back. He adds that he wants to move forward and finish, as he feels he is doing what is best for the lake.

- E. Neal states his clients are very conscientious of the lake and want to do what is best environmentally.
- DM states concerns were raised at the last hearing and the plans submitted did not address those concerns.
- KK asks for the hand written edited plans by E. Neal to be initialed by the applicants (S. and G. Pelski sign plans)
- DB states there has been a lot of discussion on plantings and little discussion about building a 2-car garage within 26-feet of a vernal pool. E. Neal states that the Commission should take a vote.
- DM motions to approve the modified plan as presented (with hand written edits) and wishes to discuss conditions to be determined.
- DB asks KK about her thoughts. KK responds that the area between the vernal pool and the proposed garage is already disturbed. She believes that the project is fine with full restoration of the turnaround and mitigation plantings—the buffer zone to the wetland and vernal pool need to be improved.
- DG asks about removing the large pine tree. E. Neal states the pine tree is damaged and leans toward the house.
- G. Pelski states he purchased 17 acres of land across the street to restore as a wildlife area.
- DB states the Commission has to deal with the 2-car garage within 50-feet of the wetland and the precedent it is setting.
- EG states they are digressing and they need to move to a vote. EG seconds motion made by DM.
- KK asks if the motion is under the Wetlands Protection Act (WPA) and the local wetland bylaw. She adds that the issue is the 50-foot local buffer.
- DG states the WPA protects 100-feet from a vernal pool. KK states that is for certified vernal pools, this pool is potential since it has not been certified by Natural Heritage although evidence of amphibian breeding (eggs) was present.
- DB states they would be approving two waivers. One for the patio to the lake on the local bylaw and one for the garage to the vernal pool for the WPA.
- KK re-states that the WPA only protects certified vernal pools.
- DM states the original Order of Conditions was not followed; the house is larger and changed location. That order expired and now the new plans include a garage in a sensitive area.
- Vote on the motion: All in favor: 0/4 Opposed

*Hearing closed, denial Order of Conditions to be issued*

## **PUBLIC HEARING**

**NOI CONTINUED from 7/26/07: DEP 300-745 for proposed garage/house addition at 60 Streeter Road. Proposal submitted by property owner, J. Activ.**

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

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

### **Discussion:**

- KK states Board members visited property on 8/5/07. She states this project includes a house addition to a non-conforming structure on a conforming lot and the addition is within 13-feet of a wetland. She adds the Board members have concerns and are seeking alternatives and alternatives need to be presented in order to obtain a waiver to the 50-foot no new structure local buffer to the wetland.

- KK states she believes the project is doable with mitigation plantings and possibly relocating the existing shed and to restore the area. She states the reason she thinks it is doable is that the buffer zone exists as lawn.
- KK states the zoning board would require a variance for anything changing the footprint of the house or the setbacks.
- DG asks about setback from the road and states that according to the plan the road is 60-feet wide.
- EG states the house is more than 30-feet back from the road as required by law. He adds that when he measured from the center of the road, the house is more than 60-feet back so the structure is not non-conforming.
- J. Activ states he paid for the survey and if it is wrong he would like to move the garage back.
- KK discusses the plan with the Board.
- J. Activ states it is 45-feet from the edge of the pavement to the house.
- DM states it is hard to evaluate the plan if the setbacks are not correct. There could be alternatives that would allow the garage to be moved further from the wetland.
- J. Activ states he would still like to have the garage and would consider adding a second story to the house at a later date. KK states that he needs to add mitigation for the violation of the 25-foot buffer zone. She suggested relocating the shed since it was built in the 25-foot buffer zone without Conservation approval. J. Activ does not want to move the shed, EG agrees that it would be more disturbance.
- DG points out the grass area near the wetland and asks the applicant if he is willing to not mow that area.
- EG asks about changing the dimensions of the garage from 38-feet to 24-feet.
- J. Activ states he would like to maximize the space he has and would consider dropping to 32-feet.
- EG states that would move the addition to 19-feet from the wetland and adding the six-feet for the setback would then put the addition at 25-feet from the wetland.
- DG asks about the wet area on the property. J. Activ states the area is all fill as a result of the septic system put in 1998.
- EG states there are things to consider: will the Board allow the addition; what would happen to the materials from the foundation dig; will there be any runoff
- KK asks the applicant if he is reducing the size of the addition to 32-feet. J. Activ states he will reduce the size if it will make a difference.
- EG motions to approve the plan as presented with the reduction of the addition to 32-feet pending certification on the property survey and conditioning for stockpiling.
- DM states he would like to find out the actual location of the Streeter Road easement.
- DB suggests to J. Activ that he contact the surveyor to find out what benchmarks were used.
- DM asks about leaching pits and well location on the plans. J. Activ point out location of inactive and active wells and the location of the leaching pit for roof run-off. He adds there will be an additional leaching pit on the kitchen side of the house.
- KK states that if the leaching pit is dug it will need to be fairly deep and adds that gutter would be an alternative. She states the run-off could potentially scour the area and the erosion could run into the wetland. DB and KK discuss alternatives to leaching pit such as a surface stone perimeter strip.
- EG withdraws motion.
- DM states the Board would need to know what benchmarks were used to determine if there are alternative locations for the garage.
- DB requests the applicant identify benchmarks on the plan.

*Hearing continued to August 30, 2007 at 8:50PM pending revised plans.*

**PUBLIC HEARING**

**NOI CONTINUED from 7/26/07: DEP 300-746 for proposed septic system repair/upgrade at 13 Library Lane. Green Hill Engineering, Inc. representing the Hennessey's.**

**DB opens public hearing at 9:15PM**

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

**P. McGarrah, abutter (26 Library Lane)**

**Submission: Newspaper advertisement.**

**Discussion:**

- KK states the first hearing was not advertised in the paper but the Commission allowed the hearing to open. She states the minutes from 7/26/07 will need to read into record. KK reads the minutes from 7/26/07
- She states the Board members visited property on 8/5/07 and have many concerns with the project, including alternatives to the septic system, new deck in rear of the house on the water and work being done at the perennial stream without permits. She states she sent out a memo to the Board of Health on 8/9/07 requesting guidance and a memo to the applicant on 8/9/07 stressing all concerns but has not received any response to date.
- KK distributes pictures from 2005 of the deck and reviews current photos and plans with the Board. She asks about the deck and states it could be a new structure.
- DB asks about the response from the Board of Health about keeping the tight tank. KK replies she has not heard from the Board of Health.
- M. Farrell states it is not a tight tank. There is a septic tank and a leaching field. He adds the system would not pass Title V, as they would have to certify that the tank is not in the seasonal water table.
- M. Farrell distributes copies of the Title V requirements, points out the area on the plans that will meet Title V and reads from the Title V regulations. M. Farrell also distributes a section of the MA Wetland Protection Act (WPA) stating that if a new septic system meets Title V then it meets the WPA.
- DB states there are competing issues. The ideal solution for conservation is a tight tank but that will not comply with Title V.
- DM asks where the nearby water wells are. M. Farrell highlights the 100-foot well radius on the plans. He also presents the Board of Health approval letter dated 8/9/07. KK requests a copy for her file.
- P. McGarrah (abutter) states there is a pin off the cart path abutting 13 Library Lane. He does not believe the plan accurately shows the property line
- DG asks what work is being done to the cart path and the perennial stream.
- KK states there is a lot of work at the perennial stream and she saw stockpiles of dirt. P. McGarrah answers maintenance of the stream, there are horse fields down the path
- EG asks what pin was used to mark the areas. M. Farrell discusses the cart path area and the erosion around Walker Pond.
- P. McGarrah states the cart path is not on Mr. Hennessey's property and therefore is not his concern.
- EG motions to approve the septic plan as presented.
- DM seconds motion. Discussion:

- DB states the WPA makes a reference to subsurface disposal. He asks what the difference is between the subsurface disposal and a tight tank. M. Farrell responds the subsurface disposal goes into the ground and the tight tank is a holding tank.
- KK reads from the WPA with regards to Title V and Riverfront Area.
- DG asks if there is something that can be done so the area is not another fertilized lawn.
- DB states there should be a planting plan for restoration of the Riverfront Area. He adds that a lot of big trees are going to be taken down
- KK asks if there is room between the erosion controls and the leach field for plantings. M. Farrell states they can access the area on the other side of the trees, construction will be from the cart path.
- KK confirms that a Condition will be to access the septic system via the cart path.
- M. Farrell states there should be grass over the septic system.
- DB states they can add mitigation near the garage to increase habitat value.
- EG suggests a 2-foot “no mow” zone around the waterfront rather than adding plantings.
- KK suggests restoring the area between the erosion controls and the septic area and can condition to minimize disturbance with construction vehicles using existing cart path. KK states that the mitigation is for Riverfront Area.
- M. Farrell states grass is still the best as trees and shrubs cannot grow in the area.
- DM asks about dirt piles. M. Farrell states dirt piles will be removed.
- Vote: All in favor 4/0. Members state that nothing can be done, the system needs to meet Title V and there are no other alternatives.

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

### **PUBLIC HEARING**

**NOI CONTINUED from 7/26/07: DEP 300-747 for proposed single family house demolition and reconstruction at 271 Holland Road. Jalbert Engineering, Inc. representing the Kimball's.**

**DB opens public hearing at 9:44PM.**

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

**\*\*\*EG out of the room from 9:44PM to 9:47PM**

### **Discussion:**

- KK states Board members visited the property on 8/5/07 and saw no real issues with the project. She states revised plans were submitted on 8/14/07 showing grading of the driveway to slope away from wetlands and additional erosion controls. She adds a plan was submitted to show the properties have been joined but have not been legally recorded. She states there is work within the 25 and 50-foot buffer zone for the driveway.
- KK reviews plans with the Board.
- D. Roberts reminds the Board that an abutter had concerns with the use of the right of way adjacent to the property. He proposes adding a silt fence and establishing the driveway prior to house construction.
- DB states there was a comment made on site that moving the house was in the best interest of the wetland.
- DM motions to approve the plans as presented. DG seconds motion.

- KK states removal of the house should take place once the Certificate of Occupancy is issued.
- D. Roberts states the existing structure has to be removed or the lot will not pass Title V.
- DM asks about sequencing. D. Roberts states sequencing would be: 1) driveway; 2) septic system; 3) place modular home on site; and 4) remove existing structure.
- Vote: All in favor 4/0.

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

## **PUBLIC HEARING**

**NOI CONTINUED from 8/2/07: DEP 300-749 for proposed parking lot and stormwater facilities at 13 Main Street (Route 131). Jalbert Engineering, Inc. representing R. Leo.**

**DB opens public hearing at 9:51PM.**

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

### **Discussion:**

- KK states at the last hearing members expressed the need for a site walk but she is unsure if a site walk occurred. She states she visited the property and has no issues with project. She adds the project is under review with the Planning Board and the hearing is 8/29/07.
- D. Roberts corrects KK and states it is a Zoning Board review not Planning Board.
- KK reviews the plans and photos with the Board and notes major changes to the lot and indicates the area to be paved.
- EG motions to approve the plan as presented. DB seconds motion.
- KK states there will be a condition for the property owners to maintain the stormwater facilities.
- D. Roberts states at the last hearing there was an inquiry about the use of pavers. He adds the pavers was quoted at \$60k to have it done poorly and \$90k to have it done right.
- Vote: 3/0/1 (DM abstained) DM states he did not see the site so he does not want to vote

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

## **9:58 PM OTHER BUSINESS**

### **1) Discussion of Grand Trunk Trail and NHESP Letter**

- P. McGarrah present for discussion
- KK states she sent a draft of the letter to members via email on 8/13/07 for review.
- EG motions to accept letter as is to send to NHESP. DG second motion. All in favor 4/0
  
- DB asks P. McGarrah about the name change of Camp Robinson Crusoe (Leadmine Mountain parcel).
- P. McGarrah states no one showed up to the last PLAC meeting and feels the committee is falling apart.
- KK states the Town Administrator suggested another joint meeting.

### **2) Enforcement Order for The Highlands (DEP 300-466)**

- KK states fines have been issued starting this week but there has been no response by Tom Moss. She states she visited the site on 8/16/07 and there was work going on some lots (sifting of soil on Lot 23 (outside buffer zones) and house work on some lots). She states she spoke with the

Building Inspector and he cannot do anything if there are no violations related to the Building Code. She states she plans on contacting the DEP if does not hear back.

- DM asks if KK sent a certified letter. KK responds she sent the EO certified mail and states she received the return receipt card with Tom Moss' signature.
- KK states there is a stormwater issue with the basin not being maintained, so she may have to contact the DEP if no response.
- DB asks KK to take pictures of the area behind St. Anne's Cemetery to see if sediment has traveled off site

### **3) Update of Pilot Order of Conditions**

- KK states the Order of Conditions issued on 12/20/06 included some Conditions requiring additional measures. Pilot has consulted with Kleenco who has submitted correspondence addressing all Special conditions (letter dated received 8/9/07). She states Kleenco is requesting: replacement of shrubs that have died, removal of beaver dams and beavers located upstream from the two large culverts and within the pond causing sediment in culverts (this is pending Board of Health—requested additional info), and restoration of the outlet/spill way. She states she believes we can approve of the work through a letter with Conditions. Inspection reports will be required.
- KK states the beaver removal will have to be an Emergency Order. Board of Health approval is pending additional information.
- KK adds on a side note: Pilot had a spill in May and about 30 gallons of fuel entered catch basins and the pond. The spill was cleaned up and the Class A-1 Response was filed with the DEP.
- KK states she inserted a copy of the Special Conditions in each Board members packet.
- DM states if they are going to breach the beaver dam it must be done gradually as there is a lot of water there.
- KK states that Kleenco is claiming that the beaver activity contributed to the sink hole in June 2006. DM asks how the beavers contributed. KK states there was a bad pipe and bad backfill and a lot of water made the sink hole (flux of water from beaver dams).
- DB asks if the beaver dam is breached will sediment go directly into the pond.
- DM states he is more concerned with the sediment behind the dam.
- KK reads from the letter sent to the Board of Health.
- KK shows report submitted on the dam evaluation (outlet of the pond).
- EG states sequencing is the key and he suggests starting downstream and working upstream.
- KK states she would ask for a specific sequence as there is a lot of water. She adds she has no issue with the spillway (dam outlet) restoration.
- KK states the Board of Health needs more information and Conservation needs more information.
- DG asks about specifics from the spill report. KK reads from report and describes the event of the spill and the containment measures.
- KK states she will need more information on the beaver activity and sequencing of the spillway restoration then the beaver dam.

### **3) Extension for Crescent Gate (DEP 300-598)**

- KK states she noticed the Order of Conditions expired in June 2007. She states she contacted Waterman Design and informed them of the expiration and they responded immediately, inspected the site and submitted a full report. She states she has been receiving erosion control reports monthly as required and has no issues with the project.

- KK recommends issuing a one-year extension, even though the Order has expired. She states she believes that issuing an Extension is ok since the Applicant representative has been very responsive and cooperative. She adds she plans on inspecting the property next week.
- KK states the applicant submitted photos. Members review the site photos submitted.
- EG motions to grant one-year extension. DG seconds motion.
- Vote: 4/0 in favor of granting 1-year extension.

**4) Letter Permit Requests for tree removal at 58 Mt. Dan Road (SCC 07-22) and 230 Roy Road (SCC 07-23)**

- KK states she and DG inspected both requests on 8/15/07 and states she has no issues with a letter permit for tree removal. She adds that the roots are to remain in place.
- KK states 58 Mt. Dan Road has a dead tree in the front of the property to be removed as well.
- KK distributes photos of both properties.
- EG motion to approve the removal of the trees with a letter permit. The trees are clearly dead. DM seconds motion.
- Vote: 4/0 in favor for both properties.

**5) 32 Mount Dan Road**

- KK states that while traveling down Mt Dan Road, she and DG noticed the property owners of 32 Mt Dan Road doing some minor excavation. She states she spoke with the property owner and he immediately responded with a letter informing the Commission of what he was doing (installing gravel to store boats etc. in area already disturbed by sewer project—repairing existing driveway by installing more dirt/gravel). She states she has no issues and recommends a letter permit response. She states all activities are close to the 200-ft buffer zone to the lake. There is a small pocket of wet (50 x 10 sq ft) in the vicinity of the area to be parking.
- KK recommends notifying the owner of this in writing and that any other activities require SCC approval.
- KK reviews photos with the Board.
- DB suggests an explanation of the local bylaw in the letter.
- Consensus of the Board that KK will send letter permit response.

**6) Discussion of Tree Removal Letter**

- KK states that DB made the request of discussing sending out a general letter to all tree clearing/landscaping companies informing them of the 200-foot buffer around Lakes
- DB reads draft letter he is proposing be sent out to local landscape companies and tree removal services.
- KK states that it will be difficult to send letters to companies, as some are unknown. It is the property owners that need to know about the bylaws.
- EG suggests adding a “Thank you” at the end of the letter.
- DG suggests adding other resource areas to the letter. KK states it should read “including but not limited to ...” the list of water resources.
- DB submits letter and yellow page listing to KK for mailing.

**7) Discussion of Outdoor World Outstanding Issues**

- KK states last month, the Commission issued a Certificate of Compliance for the restoration and dam work that Resort USA did in 2006. She adds the Commission also submitted a letter to the

new owners requesting additional information on 3 things 1) campground on the spill way 2) misc black pipe in stream and 3) stormwater issues. She states the response was received 8/16/07 as requested.

- KK reads responses from the new owners, Thousand Trails.
- KK questions if the pipe is drawing from the stream. DM states it is not a potable water source so he thinks it is just laid in the stream
- KK continues reading from the response letter and asks the Board if they are satisfied.
- Consensus of the Board is they are satisfied with the response.

## **8) Request for Certificate of Compliances**

### **Partial for DEP 300-470 (10 Hunter Lane in The Sanctuary)**

- KK states she received the request on 8/1/07 and she and DG inspected on 8/15/07.
- KK states the request is for a partial release of one Lot within the Sanctuary Development. She has no issues with partial release for one lot. She states there is some dumping going on at the edge of the lawn (grass clippings) and she can note this in the Partial Certificate.
- KK reviews photos with the Board.
- DG motions to issue Partial Release of Certificate of Compliance for 10 Hunter Lane. DM seconds motion.
- Vote: 4/0 in favor.

### **DEP 300-688 (33 Bennetts Road)**

- KK states she received this request on 7/27/07. She adds she has not inspected the site yet but is planning on it for next week. She believes members may have visited the site on 8/6/07 while at 31 Bennetts Road.
- Discussion moved to 8/30/07.

### **DEP 300-631 (53 Tech Park Road)**

- KK states she received this request on 7/27/07. She adds she has not inspected the site yet but is planning on it for next week.
- Discussion moved to 8/30/07.

## **9) Summary of Lake Water Quality and discussion of River Monitoring**

- DM states the water quality testing on Cedar, Big Alum, Leadmine, Walker and South Pond was on 8/10 and 8/11 and it went very well.
- DM states there was good coordination of volunteers for all Lakes
- DM states that on 8/10/07, a member from the QSHC Water Program demonstrated a water quality meter for stream testing. They went to two spots on the Quinebaug—behind the Millyard and at Farquhar Road. They also went to Breakneck Brook off Mashapaug Road. He states that the QSHC has the device for free use for testing the Quinebaug. There will need to be a volunteer group for the task, he adds the Quinebaug was tested by the State.
- EG states that he is interested in doing the volunteer testing on the River.

## **10) Sign Permits**

- Westwood Drive – DENIAL
- 130 Brookfield Road

### **11) 102 Gladding Lane Discussion**

- KK states the denial included denying the stormwater improvements that was originally approved in DEP 300-505. Technically DEP 300-505 is in violation. She adds that the vernal pool water comes and goes wherever.
- DG states the original owner puts pipes in wherever.
- EG asks if the original owner brought the plans in for DEP 300-505. KK responds no, the Pelski's were the applicant for DEP 300-505.
- KK states that technically the property owners are in violation for not complying with the original Order of Conditions for DEP 300-505 since the vortecnic unit was not installed. KK discusses original plans and what was proposed for stormwater management.
- The Board discusses an Enforcement Order for violations.
- KK states the original Order of Conditions (for DEP 300-505) expired and the property owners will have to file a new NOI for any work done to correct the violation of the original Order of Conditions.
- DB asks KK about wording for Enforcement Order. He adds there should be items on the "as-built" plan showing changed or additions.
- EG states they cannot send an Enforcement Order for the new plans only for the violation of the old Order of Conditions.
- KK questions the members if they recall the reason for the vortecnic unit in the first place, for water flow coming down the driveway? DM responds yes.
- KK states that the Board should decide on what to do. If the Board wants to pursue the expired Order and violation to DEP 300-505
- DB asks if they can extend the Order of Conditions. KK states they cannot since it has been expired for over 1 year. DB asks about calling the DEP. KK states that their response will be to issue an Enforcement Order and then require a new NOI be filed.
- DM states that the DEP should be consulted and the Commission should hold off on the Enforcement Order. He does not want it to be sent out too soon. The denial has to be issued first
- Consensus of the Board that KK should consult with the DEP prior to sending out the Enforcement Order.
- KK states that if an Enforcement Order is sent, it will have to require an NOI be submitted by a specified date.
- DM discusses potential drainage issues on site that will need to be addressed.

### **12) Discussion of Televising Conservation Commission Public Hearings**

- DB discusses the various emails sent about why the Conservation Commission is not televised.
- EG states that other Boards and Committees are not televised, like the Finance Committee and the School Committees.
- KK states that being televised is not required. It is convenient especially for abutters. Televising the meetings would require the Board to change how the meetings are run since there are a variety of projects submitted to the Board. She adds it would be very difficult for viewers to see since the presentations and discussions are often gathered around the table.

**MEETING ADJOURNED AT 11:23PM**