

## **STURBRIDGE CONSERVATION COMMISSION**

**Meeting Minutes for Thursday, August 30, 2007**

### **7:04PM – OPEN MEETING**

#### **Members Present:**

Dave Barnicle (DB) Chairman, Donna Grehl (DG), Ed Goodwin (EG), Dave Mitchell (DM)  
Kelly Kippenberger (KK), Conservation Agent  
Laura Hunter for Minutes

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

- EG states there will be a vote on Tuesday night regarding the river land.
- EG states there will be a vote on Tuesday night regarding the CPA Charter.
- KK asks if there is any information on Habitat for Humanity building lots. EG responds not yet.
- DG states there is no new information to report from the Zoning Study Committee.

#### **Approval of 8/2/07 and 8/16/07 Minutes**

- DM makes a motion to approve the minutes from 8/2/07. EG seconds motion. Vote postponed until the end of the meeting.
- DM makes a motion to approve the minutes from 8/16/07. EG seconds motion.
  - **VOTE: 3/0/1** (DG abstains)

#### **OTHER BUSINESS:**

##### **1) Sign Permits**

- Extension for Crescent Gate
- Order of Conditions for 13 Library Lane
- Order of Conditions for 267 and 271 Holland Road
- Order of Conditions for 13 Main Street
- Partial Release Certificate of Compliance for 10 Hunter Lane
- Denial for 102 Gladding Lane

##### **2) Plimpton Gravel Operations at 321 and 323 New Boston Road (DEP 300-532)**

- KK states the Commission issued an Order of Conditions on 6/5/03 for gravel operations, which has since expired. She states the property owner has recently gone to the Board of Selectman to extend the gravel operations permit for 2 more years. KK adds she visited the property on 8/22/07 with Greg Morse and states there are some differences to the gravel operations, but nothing that can impact the wetlands. She states the wetlands are fully protected by vegetation and a natural berm/cart path. She feels the Commission can grant approval for the operations through a letter permit.
- KK reviews photos with the Board.
- DM asks for clarification on the location. KK responds off of New Boston Road north of the the Hamilton Rod and Gun Club and power lines.
- KK reviews the plans with the Board.
- DB states KK suggested a letter permit and asks the Members if there are any objections.
- No objections from the Board.
- DB states the consensus of the Board is to issue a letter permit approval.

##### **3) Allen Homestead (DEP 300-419)**

- KK states she and DB visited the site on 8/22/07 and noticed that the detention basin was being worked on. She reminds the Commission that the grades of the basin were to be re-graded because the basin was too small. She adds there was a plan done in March 07 by Mike Suprenaunt that the workers had on site but the plan has not been submitted to the Conservation Commission and had not been stamped. She states she spoke with M. Suprenaunt today and was told the plan was to be submitted tomorrow.
- KK states that until she reviews the plan, it is difficult to determine if the work is getting done correctly. She adds the walls are in for the seven lots under a Superceding Order. She adds Art Allen submitted a report today and said the site is stable but is requesting a sequence of construction. She agrees with him.
- KK distributes photos to the Board.
- DB states it looks like there is work in the basin.
- KK reviews plans with the Board and states that the walls of the basin are too steep and therefore does not have the holding capacity.
- DG asks about water level. KK states the water level was high in the spring but barely any water now.
- DB asks if there are additional questions from the Board.
- No additional questions from the Board.

**4) Extension request for 222 New Boston Road (DEP 300-590)**

- KK states the Commission issued a six-month extension that will expire in November and the owners are now requesting an eight-month extension in order to complete the project through the winter. KK adds they are also requesting a letter permit approval for small decks in the front of the house. She states she has no issues with either request.
- KK reviews plans with the Board.
- DG asks what house this is. KK states the house right before the Massachusetts Turnpike overpass.
- DB asks if there are any comments from the board.
- DG asks if there is any re-grading. DB replies no and adds the lot is flat.
- DG asks if there is any “junk” on site. KK replies no and adds it has all been removed.
- DM makes a motion to grant a 12-month extension and issue a letter permit for the deck construction. EG seconds the motion.
- **VOTE: 4/0** in favor of granting a 12-month extension and issuing a letter permit for deck construction.

**5) Letter Permit for Bennetts Road Association (SCC 07-24)**

- **Present: T. Chamberland of the Bennetts Road Association.**
- KK states she received a letter from T. Chamberland of the Bennetts Road Association requesting a letter permit for removal of approximately 18 cubic yards of material including ledge and soil from within the right of way of Bennetts Road, across from 39 Bennetts Road. KK adds there is a catch basin with a swale leading to the lake.
- KK states woodchip bales will be installed to protect the catch basin. KK adds Board members visited on 8/28/07 and are concerned with a hemlock tree to be removed. The Association said they can try and leave the tree, but if it becomes a safety hazard it will be removed leaving the stump.
- KK reviews photos with the Board and states the letter permit can have a condition for leaving the stump if the tree needs to be removed.

- T. Chamberland states he is concerned with the removal of rock on either side of the tree. He adds the grading and slope might disturb the anchoring roots of the tree and eventually the tree would die. T. Chamberland states if the roots are not damaged the tree will stay, but if the roots suffer damage and will not survive, it will need to be removed.
- EG states he is concerned with the magnitude of removing the tree and adds that visually the tree does not need to be removed.
- T. Chamberland agrees that visually, the tree does not need to be removed.
- DB states the tree removal will be left at the sole discretion of the Tree Warden.
- KK asks if it will be paved. T. Chamberland responds it will be cold patched.
- DG states she is concerned with the amount of excavation and the exposed bank. T. Chamberland responds the bank is not all dirt but mostly rock and the road needs to be widened. He adds the purpose of the project is to scale the rock back and eliminate the hazard for snow plowing.
- DB states the letter permit will have a caveat that the tree removal will be at the discretion of the Tree Warden.
- **Consensus of the Board to issue a letter permit for the roadway work.**

### **PUBLIC HEARING**

**NOI: DEP 300-750 for proposed patio improvements at 13 Fairgrounds Road (Sturbridge Host Hotel). Jalbert Engineering, Inc. representing Hospitality Associates of Lancaster, LLP.**

**DB opens public hearing at 7:31PM**

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

**D. Hoyt, representing potential abutter at 32 Fairgrounds Road**

**Submissions: Newspaper ad and certified mail receipts.**

### **Discussion:**

- KK states this is the first hearing on the project which includes the construction of a paver patios and fire pits on the northwest corner of the Sturbridge Host Hotel. She states the structures are outside of the 50-foot local buffer zone, but there is grading within the 50-foot buffer zone to Cedar Lake. She states the plans show erosion controls and adds she has questions regarding tree removal (explanation of the circled trees).
- KK states the current plans are dated 7/30/07 and the photos are from 8/28/07. She adds Natural Heritage gave project clearance on 8/27/07.
- DB asks for clarification of the street name. He asks if it is Fairground or Fairgrounds (plural). D. Roberts responds it is plural according to the Assessor's listing.
- DB asks if there are any abutters. D. Hoyt comes forward as the representative of a future abutter at 32 Fairgrounds Road.
- KK reviews the plans and photos with the Board.
- D. Roberts states there are no trees on the property that will be removed. KK asks if all the trees will remain. D. Roberts states yes. KK asks if she can add that as a condition. D. Roberts replies yes.
- D. Roberts states the only issue could be in the northeast corner of the property in the event machinery needs to be brought on site.
- DB asks that hay bales mark the limit of work.
- D. Roberts states this is an extremely open, grassed area.

- DM asks if there is clear access to the site and if there will be a need for a cart path or road. D. Roberts responds no.
- DG states the trees in the area are big trees and asks if the branches will overhang the fire pits causing a fire hazard. D. Roberts states the fire pits are being placed in an open area.
- DM asks about the fire codes. D. Roberts states the fire pits will probably need to be set at some distance from the tree line.
- D. Hoyt states he represents Gerald Feldman, the future owner of 32 Fairgrounds Road and provides an aerial map of the area with the property pointed out.
- KK clarifies that the patios are (only) on the northwest corner of the Hotel.
- D. Hoyt states it is a 5,000 sq. ft. lot. He adds that his client is opposed to the addition based on the current stormwater management system at the Host Hotel. He adds the system is a 1970s era system and points out the discharge location on the photo and the proximity to his client's property. He continues that there should not be an addition of impervious surface on the property with the inadequate stormwater system currently in place. He cites Sturbridge regulations and points out the cumulative impacts on the property. He states he would like the Host Hotel to be put into a site plan review to have the overall stormwater management designed looked at. He states that the Commission has the authority to request Site Plan Review
- DB asks how many square feet of additional impervious surface the patio area will add. D. Roberts responds approximately 1,700 sq. ft. of pavers. He adds the pavers are better than an asphalt or concrete surface and states they will maintain the grade that is on the property now.
- DM speaks to D. Hoyt and states he has brought up a valid point. DM states the proposed area will have porous pavers and is not enough to trigger a total site review.
- D. Hoyt states the Hotel continues to go through growth and the Town wetland regulations state the 200-foot buffer zone is best left in its natural state. He continues that his client wants to make sure all the run-off is treated properly.
- DM asks if there have been any observations of materials in the run-off or if they have any site-specific data to support their claim. He adds he does not feel this proposal is related.
- KK states Mr. Hoyt brings up an excellent point but adds that the specific project in front of the Board will not contribute to stormwater run-off.
- D. Roberts states the project is meant to "dress-up" an area that exists as mainly dirt and grass now.
- D. Hoyt submits a letter outlining the points brought forth in the hearing. He asks if the letter would be sufficient to open an inquiry.
- D. Roberts states the Host Hotel is 30 years old and when it was built there were no requirements to come before the Conservation Commission. He adds the parking lot area in front of the gym entrance recently installed a \$30,000 stormwater system to treat water discharged to a catch basin under the building. KK asks when this was done. D. Roberts replies last year and adds a stormwater chamber was added to move water underground.
- DM asks KK to have a look at the site.
- KK states she is not familiar with the Host Hotel's stormwater system but is interested and will take a look at it.
- EG states he does not feel this project before the Commission is enough to trigger a full stormwater system review but adds the abutter comments are enough to warrant the current system to be looked at. He states the proposed area is already damaged by duck and geese and adds the Hotel is not growing, but struggling.
- DM makes a motion to close the public hearing and issue an Order of Conditions under the MA Wetland Protection Act and the Town of Sturbridge Wetland Bylaw. The Order of Conditions

approves the plans dated 7/30/07 and will have Special Conditions that include no tree removal and any other conditions deemed necessary by the Conservation Agent.

- EG seconds motion.
  - **VOTE: 4/0 in favor of issuing the Order of Conditions.**
- D. Hoyt submits aerial photo of the area for the file.

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

## **PUBLIC HEARING**

**NOI CONTINUED from 8/2/07: DEP 300-748 for house demolition and reconstruction at 21 Valley Road. Plans presented by Michael and Linda Devine, property owners.**

**DB opens public hearing at 7:56PM.**

**Present: Michael and Linda Devine, property owners.**

### **Discussion:**

- KK states since the last hearing revised project plans were submitted on 8/24/07 and include a planting plan and a plant list provided by the property owners along with a revised plan by Jalbert Engineering, Inc. She adds with the planting plan, the property owners also submitted a copy of the plant list from the Massachusetts Buffer Manual with the plants to be installed highlighted. She states the changes on the Jalbert Engineering plan include moving the house closer to the street by ½ a foot, the addition of pavers on the roadside of house instead of gravel and references to the planting plan prepared by the property owners.
- KK states the planting plan has been broken up into three sections, A-C with Section C being the 25-foot buffer zone planting area. She notes the brick walkways on the planting plan. She adds that when everything is said and done, there will be no lawn on the property. She states she has no issues with this project as the property is flat with lawn and existing structures closer to the water will be removed. She would recommend some sort of reporting and erosion control checks.
- KK reviews the plans, the planting plan, and the plant list with the Board.
- DG asks if there is a retaining wall. M. Devine states it is a stonewall.
- DM asks if the gazebo will be removed. KK replies yes.
- KK states with the right contractor, the project will be done right.
- DG asks if there will be excavation in front of the house. KK replies no.
- DM asks how much more impervious surface will be on the property. DG states it will go from 13% to 20%. KK states the lot coverage stated on the plan is for zoning and does not include pavers or the brick patio.
- DB states the plant list and design is very nice. L. Devine states their plant list went from 31 plants to 106 plants.
- DM asks if there is any question on drainage. L. Devine replies the lot is very flat.
- KK recommends reporting and erosion control checks.
- L. Devine states the plans show an existing King Crimson Maple and she has since found out that it is an invasive species. DB states it does not need to be removed.
- DM asks if anything is being done to the retaining wall. L. Devine responds no.
- DB discusses King Crimson Maple and how it came to be on the invasive species list.
- Members comment that the planting list is great. DG hopes it will encourage other Lake residents to do more plantings and less lawn.
- EG makes a motion to close the public hearing and issue an Order of Conditions under the MA Wetland Protection Act and the Town of Sturbridge Wetland Bylaw. The Order of Conditions

approves the plans dated 8/24/07 and will have Special Conditions that include erosion reporting, plant health checks, and any other conditions deemed necessary by the Conservation Agent.

- DM seconds motion and states he discourages the use of fertilizer. L. Devine responds they could use an organic fertilizer.
  - **VOTE: 4/0 in favor of issuing the Order of Conditions.**

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

**PUBLIC HEARING**

**NOI CONTINUED from 8/2/07: 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.**

**\*DG recuses herself as an abutter.**

**DB opens public hearing at 8:10PM**

**Present: L. Jalbert of Jalbert Engineering, Inc. at 8:17PM.**

**E. Godin, relative of applicant.**

**D. Grehl, abutter.**

**\*\*\* Commission is in recess awaiting the arrival of a representative of Jalbert Engineering, Inc. \*\*\***

**Public hearing reconvenes at 8:17PM.**

**Discussion:**

- E. Godin states he would like to record the hearing by a hand held tape recorder. DB allows the recording and requests a copy of the recording.
- KK states DG is a direct abutter and has recused herself. She states new plans have just now been submitted (Engineering Report and Sketch).
- KK states she sent a memo out on 8/22/07. The memo stated the Town of Sturbridge would purchase supplies for the re-routing of drainage. She adds the only outstanding issue with this project is the drainage from South Shore Drive that outlets to the Lake.
- KK states the proposed drainage system improvements are extremely beneficial to the Town of Sturbridge, South Shore Drive, the residents of South Shore Drive, and the lake. She expresses her concern with the silt plumes that discharge directly to the lake from the applicant's property. KK states the Notice of Intent (NOI) is to demolish and rebuild a house and the plans propose to fill and cap the drainage pipes on the property. She states it is open ended as to what might occur if the pipes are capped and left in place.
- DM asks about the engineering proposal. DB states there was a verbal proposal from the applicant's representative at the last hearing for a \$25,000 drainage re-route. He adds the engineering proposal speaks to that verbal quote.
- L. Jalbert asks if the only outstanding issue with the Commission is the drainage. DB states yes. L. Jalbert asks if all other aspects of the project have been satisfactorily addresses. DB replies yes.
- L. Jalbert discusses the drainage issues outlined in memo dated 8/1/07. He adds he was given permission by the property owner to test the drainage and submit proposals to the Sturbridge Department of Public Works (DPW). He discusses the materials sketch submitted to DPW Director Greg Morse. L. Jalbert states the materials cost is approximately \$5,000.

- L. Jalbert discusses Town Regulation 6.16 regarding the Town performing the work and receiving indemnification from all abutters. He adds that as stated in memos dated 8/2/07 and 8/22/07, Mr. Godin does not want to be liable for any work done on the drainage system. He adds that Mr. Godin's attorney strongly recommended against installing the proposed drainage re-route.
- L. Jalbert states the applicant will not install the new drainage system and will only propose what has been presented on the plans, to fill, cap and abandon the pipes. He continues that the catch basin has been full for years and was exposed during an illegal excavation resulting in silt plumes discharged to the lake. He states there were photos supporting the illegal excavation claims.
- KK states the photos have not been submitted.
- DB states that he is surprised the applicant is not considering the drainage re-route, he thought it was a great idea.
- EG states the pipes across the property are not to code and are illegal.
- KK states there is no drainage easement on the property.
- E. Godin states there are alternatives to the proposed drainage system. He states the road could be regraded to move the water and adds he cannot touch the storm water drain across the street as it is against the law to do so.
- EG asks if they are aware they are currently breaking the law. E. Godin asks how. EG states the drainage pipes are in violation. E. Godin states they need to find out who dug up the pipes.
- KK reads from an email submitted by abutter John and Donna Grehl. E. Godin asks if that means D. Grehl dug up the pipes.
- D. Grehl states Mr. Godin has seen her clearing out the culvert for years and adds if the culvert is not regularly cleared her property as well as Mr. Godin's property would flood.
- DB asks if the applicant's are submitting new information. L. Jalbert states there is nothing new other than what has been proposed on the plans.
- E. Godin states they cannot do anything as it is against the law and adds the other residents of the road should be assessed for the drainage improvements.
- KK asks if it would still be against the law with a release from other abutters. L. Jalbert responds as soon as Mr. Godin performs any work on the drainage re-route he would then be responsible and liable.
- KK states the pipes were there before the house and this is an unfortunate situation. She questions if this should hold up the house project.
- E. Godin states he is being "held hostage" for drainage problems occurring across the street.
- EG states his position is that the plans are incomplete and as a result a violation to the Wetlands Protection Act (WPA) the Commission should issue an Enforcement Order (EO). EG states he cannot approve a plan that leaves drainage to the Lake open-ended.
- DB asks if there any abutter comments.
- D. Grehl states that if the pipes are capped it would make the road impassable. She adds that the residents of the road would benefit from the repairs to the drainage system and should contribute. She adds that she and her husband are willing to contribute their share for the improvements.
- DM makes a motion to close the public hearing and issue an Order of Conditions under the MA Wetland Protection Act and the Town of Sturbridge Wetland Bylaw. The Order of Conditions would approve the plans dated 6/8/07 and will have Special Conditions deemed necessary by the Conservation Agent.
- EG seconds motion.
  - **VOTE: 0/3 DENIED.**

***Hearing closed and Order of Conditions denied.***

**PUBLIC HEARING**

**NOI: DEP 300-751 for proposed garage, parking area and driveway at 25 South Shore Drive. Jalbert Engineering, Inc. representing P. Mimeault.**

**\*DG recuses herself as a member of the Lake Association.**

**DB opens public hearing at 8:41PM.**

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

**P. and R. Mimeault, property owners.**

**E. Kruchmalnyckyj, abutter.**

**Submission: Newspaper ad and abutter return receipt cards.**

**Discussion:**

- KK states this is the first hearing on the project and adds DG has recused herself as she is a member of the Lake Association. She states the project includes construction of a paved driveway, parking area, and garage. KK adds the work is within the outer 200-foot riverfront area and local 200-foot buffer to a wetland. She adds an alternative analysis was submitted with the NOI that discusses utilizing an adjacent driveway for an easement. She states the property owner of the driveway will not allow an easement. KK states her concerns include maintenance of leaching catch basins on the property, the steep access during construction with heavy stone padding, tree clearing limits, and stockpile areas if any. KK adds Natural Heritage has not provided comments yet and therefore the hearing cannot close.
- KK states as a side note, the property owner has an outstanding Order of Conditions on 76 South Shore Drive (DEP 300-622) that will expire on 11/30/07 and she is not sure if this Order has been recorded on the deed.
- KK reviews the plans with the Board.
- DM asks if the Commission has already seen this proposal. KK states they received a request for a tree removal letter permit and the Commission asked for an NOI.
- D. Roberts reviews the plans with the Board and states there will not be any stockpiling. He adds they can add a second set of hay bales if required by the Board. D. Roberts states there is a maximum slope of 8% on the driveway and they are 200-feet of a perennial stream.
- EG asks if 12% is the maximum. D. Roberts states it is 8% for a residential driveway as 8% is more conducive to cars. He adds it is straight grading so there will not be retaining walls, which would increase the disturbance to the riverfront area. He adds they are proposing a boulder retaining wall.
- D. Roberts states the abutter was approached regarding the easement on the driveway.
- P. Mimeault discusses the easement and states there are underground utility lines along the driveway.
- E. Kruchmalnyckyj states her house is located to north and completely overlooks Mr. Mimeault's property. She adds that if the easement means the garage moves back she is opposed to the easement.
- DB states the opening statements were not correct. KK states the comments were taken from the alternatives assessment presented with the NOI. D. Roberts states it was his understanding the alternative had been reviewed.
- D. Roberts states they are minimizing the grading and discusses the proposed plantings.
- KK points out the property line and asks who owns the structures on the plan. D. Roberts states the Town of Sturbridge owns a portion of the retaining wall. He continues to review the plantings and states various grass species will be used.

- KK states for the construction, the curb cut is crucial and sequencing is needed. She discusses potential for sequencing and re-states sequencing will be necessary.
- D. Roberts states they are defining the limits of construction, improving the erosion controls and can add construction sequencing.
- DB asks about controls of water from the addition of impervious surface. D. Roberts points out the driveway is the only area for run-off to the road and states the amount of run-off won't change.
- DB asks about the swale. P. Mimeault and D. Roberts both state it is not a swale.
- KK states the "Allard property" has a swale and a catch basin.
- DM asks if the roof run-off will be directed to a crushed stone periphery. D. Roberts replies no, it will run-off to a 4-inch pipe.
- DM expresses concern about the driveway run-off and suggests berm as back-up retention. He states he is concerned that part of the system is off-property and if the system fails the Town will be responsible. He continues that a berm would be an additional line of defense.
- DM would like clarification on tree removal by outlining was it to come down and what is proposed to be planted.
- DB asks how wide the area is. D. Roberts states the crushed stone is 4-feet wide on three and a half sides of the garage.
- DM asks if the garage is plumbed. P. Mimeault responds no.
- DB states they cannot close the hearing due to Natural Heritage and would like to conduct a site visit. He asks the four concerns be marked prior to the site visit.
- DM states he has concern for the area on Town property.
- D. Roberts discusses the process for pavement at town property.
- DB expresses concern for the abutter's high house and states it cause run-off to neighbor's property. D. Roberts states they are creating a bowl. DB asks if gravel can be placed in front of the boulders. D. Roberts states he is not concerned with that run-off.
- DB asks about direction of roof lines. DM suggests making the two collection areas four to six inches deeper.
- KK states the area of parking is going directly to South Shore Drive.
- DM asks about a cross section. KK describes what the cross section will look like.
- DM and KK discuss possible cross section.
- KK expresses concern with the two walls and what may happen "construction-wise". D. Roberts states the area will be cleared and grubbed to maintain grade.
- DB asks what material the driveway will be. D. Roberts states paved. DB asks why. D. Roberts states ease of maintenance.
- P. Mimeault discusses NOI for 76 South Shore Drive (DEP 300-622) and states they are adding gravel walkways to complete that project. He states the current three car driveway will help the area. DM asks if the three car parking area will be needed if there is a three car garage proposed.
- P. Mimeault discusses the parking area on 76 South Shore Drive and states they hope to protect both properties from run-off to the lake. He states the Town of Sturbridge has done an excellent job of grading and crowing the road.
- DB asks KK to send a congratulatory note to the DPW regarding applicant's comments of South Shore Drive.
- EG asks how it can be the Town's property is it is a private road. DB asks who owns the property. D. Roberts states the residents.
- DM states he would like a site visit.

- E. Kruchmalnyckyj asks the Commission to look at the property from her driveway while on the site visit to gain that perspective of the project. She states she would like to see the fence removed. P. Mimeault agrees. E. Kruchmalnyckyj adds she would like the garage moved down as far as possible.
- P. Mimeault states the bank has not been touched since the original 1960s subdivision of the road except by erosion.
- D. Roberts requests a continuance.
- DB states a site visit will occur in a week and a half and asks the markers be in place and the centerline of the driveway be marked. KK asks the retaining walls to be flagged.

*Hearing continued to September 27, 2007 at 7:45PM pending a site visit (DB and DM requested) and response from Natural Heritage.*

### **PUBLIC HEARING**

**NOI CONTINUED from 8/16/07: DEP 300-745 for proposed garage and house addition at 60 Streeter Road. Proposal submitted by property owner, J. Aktiv.**

**DB opens public hearing at 9:25PM**

**Present: L. Eaton for J. Aktiv.**

#### **Discussion:**

- KK states since the last hearing revised plans were submitted on 8/24/07. She adds the plans show the garage addition to be reduced from 38-feet wide to 32-feet wide and the plan shows the property bounds found in the field at the front of the property near the road. She states this project will require a waiver from the 25-foot and 50-foot buffer zone however the buffer zone current exists as lawn and gravel driveway. KK adds plantings are proposed and the addition has been reduced. She states she spoke with the property owner and the Commission can condition the stock piling to be in the front of the house. She adds she has no issues with this project.
- DM asks if the setbacks changed. KK states from 13-feet to 16-feet from the wetland and adds there is no roof run-off or drains.
- DB states he finds it interesting that witch hazel was chosen for proposed plantings. KK states there is a lot of witch hazel present in the area and it is good for stabilization.
- DG makes a motion to close the public hearing and issue an Order of Conditions under the MA Wetland Protection Act and the Town of Sturbridge Wetland Bylaw. The Order of Conditions would approve the plans dated 8/24/07 and will have Special Conditions including stockpiling to be in the front of the house and other special conditions deemed necessary by the Conservation Agent.
- DM seconds motion.
  - **VOTE: 4/0 in favor of issuing the Order of Conditions.**

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

### **OTHER BUSINESS**

#### **1) Highland Enforcement Order (DEP 300-466)**

- **Present: T. Moss**
- KK states the Enforcement Order has been in effect since 7/27/07 and fines have been issues, totaling \$575.00 to date. She states she sent a letter to the applicant, Tom Moss on 8/23/07 notifying him of the sediment in the wetlands and other erosion control measures that need to be implemented. She adds she received a letter today from Thompson Liston Associates describing what has been done on site to control the erosion. KK states a brief evaluation of

the sediment in the wetland was performed. And restoration of the wetland is to be discussed tonight.

- KK asks the Board to reviews the photos and letter dated 8/29/07 provided to them.
- KK reviews the photos and plans with the Board.
- EG asks if the catch basin is now working. DB responds yes, it is working.
- KK describes the sediment that has gone into the water since the catch basin was cleaned out.
- KK shows photos of the area since work has been done with hydroseeding and loam on some of the lots. She states the sediment is up to ¼ of an inch.
- DM asks how big an area. KK responds she does know the exact square footage but it is a big area.
- EG asks KK what else needs to be done. KK responds she would like to know the area that has been affected by the sediment, approval for removal of the sediment, and a maintenance plan to ensure it will not happen again.
- DM describes similar effort for sedimentation removal from a wetland.
- DB asks about #5 in the letter and if it refers to stockpiling. T. Moss states lot #16 caused the problems.
- DB asks about the “giant” stockpile areas. T. Moss points out stockpile areas and states it is mostly loam and rock.
- DM suggests hydroseeding and putting a silt fence around the stockpiles.
- DB states the stockpiles are unacceptable as they are a source of contamination. KK states they need to take extra measures. DM suggests a silt fence. KK states the silt fence currently installed is far away and falling down. She asks about adding silt sacks to the catch basin.
- DB describes the silt sacks used at The Preserve.
- DM asks about next steps. KK states the next meeting is on 9/27/07 and adds that would give time for getting the area cleaned up.
- DM states the sedimentation can be removed with hand tools and they may need to have abutter notification.
- KK states the area needs to be marked on the plans and addressed now.
- T. Moss asks if the Commission would need the survey before work can begin on the clean up.
- DB gives until the 9/27/07 to have the clean up complete.
- DG states the hay bales need to be in place every day. DM asks if there is an erosion control monitor. KK states T. Moss is the monitor.
- DM states the Enforcement Order is still holding.
- KK states the Enforcement Order is in effect with a deadline of 9/27/07 for sediment clean-up.

*Continued to 9/27/07 – Other Business*

**2) Discussion of Draw Down Response from Lycott Environmental**

- KK states she has given packets to the Board for review.
- KK states on 8/16/07 a letter went to the Cedar and Big Alum Lake Associations, at the Commission’s request, reminding the Associations that they need approval from the state to draw down and then from the SCC. She states she received an email from Lycott Environmental on 8/21/07 stating that they are confused as to what the Commission is requiring. She adds the letter also states that the DEP recommended a Request for

Determination of Applicability (RDA) for the draw down as opposed to an Amendment to the existing Order (both procedures require a hearing).

- KK states since the email, the SCC office has been copied on two letters to the MA Division of Fisheries and Wildlife, one for Cedar Lake dated 8/27 and the second for Big Alum dated 8/24. She adds she is assuming that the state Division of Fisheries and Wildlife and Natural Heritage will provide comments on the draw down within the next 30 days. She states pending the state requirements, the Commission will need to also review and approve the draw down.
- KK would like the Commission to discuss how to address the Lycott Environmental email from 8/21/07.
- DM states this is a maintenance issue and feels the 56-inch draw down has probably done damage to Cedar Lake. He states a draw down once every three years would be effective and would like the opinion of the Division of Fisheries and Wildlife.
- KK states that once the Lake Associations receive approval from the state, they need to come before the Commission for approval.
- The Commission has a general discussion of draw down.
- KK reads from letter submitted by L. Lyman.
- EG asks if there is a resource that could offer an opinion of what is best for the lakes. KK states it is really lake specific. EG states they should go by the Division of Fisheries and Wildlife guidelines.
- KK states technically nothing can be done without approval from the state.
- DM would like to reduce the length and depth of the draw down.
- KK asks what the Commission would like to require, an RDA or an amendment to the existing Order.
- Discussion of associated fees with filing an amendment and an RDA.
- KK states an amendment requires a public hearing.
- DM states that a RDA is not sufficient.
- DB questions a new NOI filing.
- KK states that an Amendment would be best since there is already an Order and technically the draw down is for herbicide treatment. DM thinks an Amendment is the right course of action and they are just going to have to have another hearing.
- KK reminds the Board that a RDA also requires a hearing under the bylaw.
- **Consensus of the Board that an Amendment is to be filed for Big Alum and Cedar Lake draw down.**
- KK states she will send a letter to the Lake Associations

### 3) Requests for Certificate of Compliance

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

KK states Board members visited on or around 8/5/07 and had no issues with issuing a Certificate of Compliance. KK states she visited the property on 8/27/07 and it appears that the property is stable. She wants to point out a couple of things to the Commission; she believes six low bush blueberry plants were planted rather than the proposed combination of eight plants; and there were things done that are not shown on the plan (ie. more landscaping and a retaining wall etc). She feels that over all, the property looks good and issuing the Certificate of Compliance is fine.

**DM motions to issue the Certificate, EG seconds.**

**VOTE: 4/0 in favor of issuing the Certificate of Compliance.**

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

KK states Board members visited the property on 8/27/07 and the property looks good. She states the drainage appears to be corrected as there is no water present (it is dry season).

**DM motions to issue the Certificate, EG seconds.**

**VOTE: 4/0 in favor of issuing the Certificate of Compliance.**

- **144 Lake Road (DEP 300-717)**

KK states the work appears to be complete and adds she took a photo of the property from the lake on 8/11/07 and it looks good. She adds Mr. Argetis converted the porch into a three-season room.

**DM motions to issue the Certificate, EG seconds.**

**VOTE: 4/0 in favor of issuing the Certificate of Compliance.**

- **14 Mashapaug Road (DEP 300-615)**

KK states Board members visited the property on 8/27/07 and the property looks good. She adds she does not feel anything else needs to be done. She states she is unsure if the driveway has been completely removed from the adjacent property and she will add that in the Certificate. She adds the site is stable.

**DM motions to issue the Certificate, EG seconds.**

**VOTE: 4/0 in favor of issuing the Certificate of Compliance**

**4) 479 Main Street Violations (Paved Parking Lot)**

KK states a letter went out on 8/27/07. She adds the parking lot of the former BIN-479 restaurant is newly paved without permits from Planning or the SCC.

DM asks who is paving. EG suggests sending a letter. KK states she already has sent one.

**5) Discussion of 102 Gladding Lane (DEP 300-505)**

KK states at the last meeting the Commission denied DEP 300-735. She adds part of the denial included a stormwater system that was approved with DEP 300-505. She states Board members are concerned with the property owners being in violation of DEP 300-505 and requested that KK consult with the Department of Environmental Protection (DEP) regarding issuing an Enforcement Order. KK states the DEP recommended waiting until the appeal time ended. If the decision is not appealed and Enforcement Order should be issued, if it is appealed, the DEP can handle the violation on the superseding process.

No comments from the Commission.

## **NEW BUSINESS**

- **Televised Meetings**

- DM states he is in favor of televised meetings as it will be a benefit and limit personal statements and opinions. It also may speed up the meetings.
- DM states in some cases, it may be difficult for the viewers to understand what is being discussed as often times the members are reviewing plans and photographs on the table.
- DB states he spoke with the Town Administrator and paraphrases the Town Administrator's comments in a newspaper article. He likes the Administrators response of waiting until the Town Hall goes through renovations.

- **DM states EG has volunteered for Quinebaug Rives testing.**

- **Discussion of PLAC**

- DB states that they have not received minutes from recent PLAC meetings and feel it is due to infrequent meetings and low attendance at the meetings. He is concerned with the progress of the PLAC.
- KK and the Board discuss the changes to safety rules for the Leadmine Mountain property.
- DB states the members of the PLAC have been mainly concerned with the OSV property as they are abutters and hopes their enthusiasm will carry over to other Town owned properties.

**PUBLIC MEETING ADJOURNED AT 10:30PM**