



MINUTES
STERLING CONSERVATION COMMISSION
REGULAR MEETING-December 2, 2008
BUTTERICK BUILDING- ROOM 209 7:30 PM

In Attendance: Chairman Roberti (subsequently recused after opening meeting and left the table), Ms. Valentine, Vice Chair Pineo, Mr. Curtin, Mr. Michalak, Associate Mosley. Mr. Marro, Field Agent.

Treasurer's Report for November 2008

1.Chapter 61 Release Requests.

2.Meeting Notices and communications.

3.Old Business/Enforcement. - 55 Lakeshore Drive. – Note: Chairman Roberti has recused herself from this matter but reserved her right as an abutter. Calvin Goldsmith reviewed plans dated December 2008. He noted that the Board of Health has no issue with the placement of the plans. He noted that there was a steep slope with a swale. A retaining wall was built instead to prepare a level area for the propane tanks due to fire regulations. Mr. Goldsmith outlined the drainage area. He noted that an abutter placed a concern was not affected by drainage. He noted that he was on a site inspection with Mr. Marro it was noted that the boulders and dirt was not sufficient on the retaining wall. The applicant would be willing to install more wall foundations to shore up the wall and also not interrupt the swale. He noted that there was drainage calculations performed that concluded that a one foot wide three inch swale was more than capacity. There was a meeting with the ZBA the wall was discussed. Mr. Michalak requested the height of the wall. It was noted it was a four foot wall. Mr. Goldsmith outlined that in order to allow access to the rear yard the wall was brought in.

Mr. Curtin inquired as to the chronology of how the owner got from the plans approved by the commission to new plan. Mr. Goldsmith noted that it was from an informal discussion at the ZBA meeting in order to satisfy the concerns of the abutters. He noted that there was changes that was diminimus to the order. Mr. Goldsmith noted that there was a site walk a couple of weeks ago with Mr. Marro and the Chair. He noted that the changes were diminimus and that there were changes. He noted that the flows to the rear yard were reduced.

He noted that the flow with the BOH was analyzed. He explained again the flow patterns. He noted that there were changes only in the outer thirds of the buffer zone. Mr. Michalak inquired as if the foot print of the house had increased. He also inquired as to the off set of the septic system. Mr. Michalak also examined the wall and the grading. He indicated that he inspected the site as well. He noted that condition number 24 on the order should have been complied with and brought back to the commission. The meeting was recessed at 8:00 PM. In order to comply with the hearing for 8:00 PM.

The meeting was resumed at 8:24 PM.

Mr. Goldsmith noted that there was some rain that did not affect the area in question. He noted that a deeper swale 4 feet by six inches will be created along with the other swale previously mentioned.

He noted that the plans show detail on the stabilization. Ms. Valentine wanted to know if Mr. Goldsmith was happy with the site the way it is now. Mr. Goldsmith noted that the site does work in its current condition.

Mr. Michalak inquired is the bearing capacity with relation to soils was considered. Mr. Goldsmith noted the capacity the distances. Mr. Michalak wanted information stamped from an engineer, structural. Mr. Goldsmith agreed to the letter. Mr. Curtin wanted to know if the as-built was to be submitted to the plans.

Mr. Daminano from the Board of Health noted that the wall was not related to the system. He noted that the septic system met all aspects of title V inclusive of the sloping issues.

Ms. Valentine inquired as to how we went to the modification of the structures and how many plans were submitted. Mr. Goldsmith noted that all plans have been submitted are here.

Mr. Curtin noted that the plans being used are not according to the plans and the plans have been changed.

Thomas Bovenzi, attorney representative of the applicant noted that they were discussed with other professionals at the town level and they were done in the field to necessitate coming to the commission and they have been trying to address concerns with the abutters. He also noted that an abutter is requesting that a wall be moved close and has been agreed to by the abutters. He noted that there was no intent by the applicants to make any substantial changes.

Mr. Marro noted that a third party reviewer should come in as well to review the issues. Mr. Daminano had noted that the issues should be limited to jurisdictional issues as well. Mr. Marro and Mr. Curtin agreed. Mr. Bovenzi felt that a third party review should only be addressed after the commission examined further information to be submitted.

Mr. Marro noted that he is not making the recommendation lightly. Ms. Valentine noted that perhaps it was expeditious to have a third party review. Mr. Bovenzi noted that the issues were limited in scope and the review process could be a verification. Mr. Goldsmith wanted to know if the third party would wind up being the end of the discussion. Mr. Curtin noted that this would as there would be a final opinion generated.

Russell Philpot of Heywood Road he noted that the plans submitted to the commission showed different elevation changes. Mr. Michalak noted the changes. Mr. Philpot wondered why there were changes with the walls made and how they came to be with them not being on the plans.

Mr. Goldsmith reiterated the history he had previously and noted that the ZBA had been petitioned en-mass and that the changes were made at the ZBA level. Mr. Philpot noted that there must be larger changes in grade than shown. Mr. Michalak noted that the basement elevation was changed by four feet. Mr. Goldsmith noted that the plans had elevation had errors by the architect.

Ms. Valentine wanted to know when the mistake was discovered. Mr. Goldsmith was not certain.

Daniel Kloczkowski 55 North Cove Road He showed plans that he possessed and noted that the elevation of the septic mound as 111 and the basement was 108.9. He noted that the ZBA plans are the only plans that have been ever approved. The field changes noted that the elevations have been raised by four feet. A concern is that the wall is not resting on stable ground.

Mr. Goldsmith noted that the grading of the rear yard, the driveway, septic area grading was not increased.

Angelo Rossi 53 Lakeshore Drive wished clarification as to the grading. Angela Rossi noted that the driveway has changed and been elevated by 3.5 to four feet now. Mr. Goldsmith clarified that the driveway on the plans have not changed.

Russell Philpot wondered why if you raise the house elevation required the raise in grade. Mr. Goldsmith explained that it was only the front yard.

Daniel Kloczkowski agreed with Mr. Philpot that the changes would not have been necessary if the retaining wall was not there. He noted that the elevations taken were taken for convenience not to reflect the site. Mr. Goldsmith noted that the critical spot shots were taken in accordance with the compliance for title V.

Mr. Michalak noted that all shots be included on the as- built plans.

Mr. Philpot re-reviewed the grade changes with Mr. Goldsmith.

Steve Daminano from the Board of Health encouraged that an independent engineer should be done but reminded it is a very small lot and that the value of the study should ensure that the drainage is being kept on site and that the grading that is done accomplish that and the catchment areas are very small.

Mr. Michalak expressed dissatisfaction with the applicant that the changes were not brought before the commission. Ms. Valentine agreed.

Mr. Philpot agreed with Mr. Michalak and wondered what would happen if there significant violations and what were the consequences.

Tim Corbett Lakeshore Drive brought pictures of the wall on the site by his house. He noted that the wall in his opinion is not long enough and feels is that the wall is really there

due to presence of the water line. He feels the wall is not built properly.

Mr. Curtin wanted to know the manufacturer of the blocks for the wall. He wanted to have a copy of the installation instructions provided by the supplier.

Tim Corbett expressed concern the wall would not be fixed properly. He inquired as to the requirements of title V for slope of the property line.

David Favreau read the code from title V which noted that as long as a swale was installed as was done then Title V is satisfied.

Daniel Kloczkowski feels the plans are not consistent with Mr. Corbett's concern.

Mr. Michalak motioned that 310 CMR effects by the changes, drainage retaining structures be examined by a third party reviewer. The as-builts and other information requested be given for the file. Mr. Curtin seconded and the Commission voted unanimously.

4.New Business.

Continued Public Hearings

8:00 PM : Pursuant to MGL ch 131 s 40 as amended there will be a public hearing on a Notice of Intent by Sterling Countryside Builders for grading within the buffer zone at Griffin Road and Sherwood Drive.

Paul Grasewicz was present representing the applicant. He brought the commission plans with minor changes to them. Detail A added a filter blanket that was sized. The approximate location of the berm was located and will be backfilled and loomed and seeded.

Mr. Michalak noted changes that were made to accommodate soils. Mr. Marro recommended that if NHESP makes a determination to add the area they should be notified by the applicant prior to any work.

Mr. Munier request that any photos for the NHESP photos be submitted to the file. Mr. Curtin request and the applicant agreed to add the wetland delineation once it was survey located.

Tim Corbett 57 Lakeshore Drive inquired if any of the area has been studied and noted different species that may be of concern. Mr. Grasewicz noted that a wetland scientist is currently doing the study.

Mr. Curtin moved it issue an Order of Conditions on the plan dated October 28 revised December 1, 2008 with additional that the wetlands are flagged and the survey plan submitted to the commission. Mr. Michalak seconded and the Commission voted unanimously.

