

STURBRIDGE CONSERVATION COMMISSION

Meeting Minutes for Thursday, April 5, 2007

7:05 PM: Open Meeting

Members present: Dave Barnicle (DB) Chairman, Dave Mitchell (DM), Donna Grehl (DG), Ed Goodwin (EG), and Frank Damiano (FD) at 7:11PM

Laura Hunter for Minutes

DB apologizes for the Agent's absence due to illness and asks that zoning/planning updates and minute approvals wait until after hearings have concluded.

7:07 PM: Walk In

1) 274 Big Alum Road: DEP 300-588 Extension

- V. Roscioli present for discussion.
- DB asks V. Roscioli to come forward to review plans and the Agent's notes regarding the extension.
- DB states there are two markers missing which is a violation of the OofC.
- V. Roscioli states she was not aware there was a violation as changes were made to the plans after the public hearing on 3/31/04. DB states Jalbert Engineering represented her and agreed to the stated changes. V. Roscioli states that concrete bounds were a requirement of her OofC. She does not like them and wants to have the OofC amended to allow for building on the property.
- DB reads from OofC stating there was an amendment made on 4/22/04 without V. Roscioli's approval.
- DM states there was concern with the scale of the remodel and the affected boundaries.
- V. Roscioli submits photographs to the board showing "orange" barriers. EG asks who installed barriers. V. Roscioli responds Jalbert Engineering.
- DB states Jalbert Engineering acted in accordance with the OofC as an agent of V. Roscioli.
- DG asks about the size of the barriers. DB states they are a 4' x 4' marker and suggests a site visit to review the markers.
- DG asks if V. Roscioli is requesting a one year extension. V. Roscioli states that the Agent had some concerns with ground stability. DB states stability is an issue and that more storms like those of October 2005 could cause serious problems.
- EG makes motion to grant one year extension contingent upon a site visit.
- DB states the CofC will not be issued until any new growth has had two years to stabilize.
- DM seconds motion. All in favor 5/0 to grant extension upon completion of site visit.
- DB states the Agent will contact V. Roscioli to set schedule visit.

PUBLIC HEARING

NOI CONTINUED from 3/15/07 discussion and 3/24/07 site walk: DEP 300-729 for proposed single family house and lot reconfiguration at 116, 118, and 120 Brookfield Road. Bertin Engineering representing Cambridge Properties LLC.

DB opens public hearing at 7:21 PM.

H. Blakeley present for Bertin Engineering

- DB states site visit was conducted on 3/24/07.

- DM makes motion to approve and issue the Order of Conditions. EG seconds motion. All in favor 5/0 to approve the project.
- DB requests a 21-day extension. H. Blakeley agrees.

Hearing closed and approval Order of Conditions to be issued.

7:25PM Other Business

CPA Update

- EG states the town bid \$900k for riverfront property (Holland Rd, Stallion Hill Rd, and Route 20). Paquin (current owner) outbid the town at \$905k and still holds the land.

Zoning Update

- DG states there is a meeting next week on zoning changes. In particular mixed use zoning. DB questions the Rte 20 properties and DG states they will be discussed.

3/15/07 Minute Approval

- FD states he has read 3/15/07 minutes, but has not signed off on them. Minute approval moved to next meeting.

7:27PM Discussion of Grand Trunk Trail

- P. McGarvah of Sturbridge Trails Committee is present for discussion.
- P. McGarvah states current focus is on the "Chase Property" off Farquhar Road. States that the trail will be built along the Grand Trunk Railway.
- P. McGarvah states that he, EG, and the Agent walked the area. He reviews a map of the trail with the board and audience members. EG states the location of the Grand Trunk Railway and explains that the access road is Army Corps.
- P. McGarvah shows the road off Farquhar to the Chase Property. FD asks about the trail ending at River Rd. P McGarvah responds that the trail would go farther, but it would hit the Morse property. He states there are concerns with this easement and the Hebert Candy property and they are looking for a solution that causes the least amount of disturbance to the area.
- DB asks if anything has been sent to Natural Heritage. DM replies yes and states there is habitat for turtles in the area. P. McGarvah asks that the Agent conduct a study of the area with respect to the turtles (spotted and wooded). P. McGarvah states that Natural Heritage believes a new trail would cause disturbance to the turtle habitat.
- P. McGarvah states that the Trail Committee is looking at adding an elevated walkway. Adds there is a \$560k grant for completing the trail from Westville Dam
- DM states he is in favor of using the existing trail with existing access and habitat. Adding a trail could prevent ATVs. EG adds it would provide habitat protection. DB states it would fall under Wetland Protection.
- DM asks how much use the trails get. P. McGarvah states there are hundreds per day in the summer and fall season. Adds there is a counter at one end of the existing trail.
- P. McGarvah states that building a walkway would provide ATV/handicap access and cause little disturbance to habitat.
- EG asks if the \$560k grant is specifically for trail development. DB states the Agent has expertise and should assist with the study.

- DG states Natural Heritage should re-evaluate.
- H. Blakeley (audience) adds this could be an opportunity for habitat education. EG agrees and states there are two points, area clean up and habitat education.
- FD states that creating an elevated walkway would allow animals to roam area freely.
- DB states that the Agent's input is critical and a site visit would help evaluate current conditions. He suggests deferment of this issue until the Agent is able to be involved in the discussion.
- DG states she would prefer the existing trail be used to minimize disturbance. Other board members agree.

7:47PM Other Business

- DB would like to add a PLAC Update at 9:15-9:30 PM to the meeting agenda. He asked the board to think of some guidelines for the committee.
- DB understands the signs for the former OSV property are ready to be posted and there is a group in place to take on this task.
- DM states that some guidelines should include what PLAC can and cannot do and what the SCC would or wouldn't want.
- EG asks what the objective of the signage will be – to tell people where to go or where not to go. DB responds that the Massachusetts Department of Fisheries and Wildlife owns 50% of the land and will have input.

PUBLIC HEARING

NOI CONTINUED from 3/1/07: DEP 300-730 for building and parking lot improvements at 376 Main Street. Baystate Environmental Consultants representing Muratore, Rolila LLC. This permit is a result of an Enforcement order and violation.

DB opens public hearing at 7:50 PM.

P. Davis of Baystate Environmental Consultants present for discussion.

Discussion:

- P. Davis states that the SCC and the DPW comments were reviewed and the plans have changed. He adds that the catch basin has been moved per the DPW, trash cans have been added to the site, and proposes adding signage along the edge of the parking lot that will read "NO DUMPING".
- DG asks if there will only be one sign. P. Davis responds yes, but it is quite sizeable.
- P. Davis states that National Grid has installed a utility pole which required plans to change. Adds that a dry well has been installed for roof run-off to take the water off the driveway and that based on a Natural Heritage recommendation, straw bales have been used in place of hay bales at the site.
- P. Davis states the DPW has reviewed the updated plans and have no further comments.
- DG asks about the maintenance plan for the storm water. She reads from the updated plan that states the proposed maintenance plan.
- DG asks when the catch basin will be installed as the water levels are high now. P. Davis responds that work will not be done while water is too high.
- DG asks who will be responsible for keeping the area clean. FD replies that the property owner should be responsible. DB adds that property is owned by Yankee Spirits.
- DM states that location is very observable place and if it is neglected, they will request it to be cleaned.
- FD asks if they will accept the plans with an amendment for two signs. DM states there should also be a sign in the back of the building.

- FD makes motion to approve plan with three sign amendment. DM seconds motion. EG states the signs are unnecessary. All in favor: 5/0 to approve plan with an amendment to add three signs to property.

Hearing closed and approval Order of Conditions to be issued.

8:07PM Other Business

Update of 18 Cedar Lake Drive: DEP 300-728

- DB states the site visit was conducted and the sonatubes have been removed.
- FD states he did not see the tubes. DB states the DPW walked the site and found the sonatubes.

FCP for 52 Stallion Hill Road/55 Holland Road

- DB would like to postpone this discussion until 5/3/07 at 9:30PM.

PUBLIC HEARING

NOI CONTINUED from 3/1/07: SCC 07-06 for proposed single family house on a portion of 271 Cedar Street. Coler and Colantonio, Inc representing Khan Realty

DB opens public hearing at 7:31PM

D. Harris present for Coler and Colantonio, Inc.

Discussion:

- D. Harris reviews plans for house on ANR lot. He states the septic system must stay where it is per the BOH and that it is outside of the 100ft buffer zone.
- D. Harris states the plans were reviewed and approved by the planning board last month.
- FD asks about the kitty-corner of the house – if it is for aesthetic reasons or just the preferred location of the house. D. Harris responds it is both and was placed there due to the frontage and location on Cedar Street and also in preparations for the second phase 4-lot subdivision.
- FD asks if the house had not been kitty-cornered on the lot, would the septic be located where it is. D. Harris responds that septic must stay where it is.
- DB states the parcel was purchased, and then divided, and then the septic was placed. The lot could have been divided differently and the septic placement could have been different.
- D. Harris responds that the property crosses wetlands and this was kept in mind with division of land for single family house and 4-lot subdivision.
- DB suggests moving location of house. D. Harris responds that perk tests were done and there were “varying soils” on the site. Perk tests dictated septic placement.
- EG asks if there were failed perk tests. D. Harris responds that some soils were not tested. FD asks how many tests were done. D. Harris responds “a half-dozen”.
- DG asks how far well is from septic. D. Harris responds over 100ft. DG asks if it is a minimum of 100ft. D. Harris shows the 100ft line on plans.
- DG asks if well can be moved closer to cut down on tree removal. D. Harris replies the well has been moved, new plans were submitted to the Agent.
- D. Harris states there were four conditions on the ORAD and the issues from the last hearing have been addressed.

- D. Harris states the vernal pool information has been submitted to the board and Natural Heritage. FD asks when this was done. D. Harris replies Spring of 2006. Paperwork was submitted with the recent change in engineering firms.
- EG states he does not want to discuss the 4-lot subdivision.
- D. Harris states the NOI has been filed for the roadway to the 4-lot subdivision.
- EG asks where the vernal pools are located. D. Harris responds the closest VP is over 200ft away and reviews plans with board pointing out VP locations.
- D. Harris states the second issue was the riverfront area and that new plans have been submitted.
- D. Harris states the next issue was the replication area and that an existing driveway crosses riverfront where the area is already disturbed. He states the replication plan submitted with the 4-lot subdivision NOI is a 2to1 replication of 2200 sq.ft. of disturbance. A 5000 sq.ft. replication plan is proposed. D. Harris states that he would rather do all the replication at once than replicate after single-family house only to disturb it again with 4-lot subdivision.
- EG states NOI for 4-lot subdivision is just hearsay. DB agrees that NOI is just hearsay.
- D. Harris states he is willing to have the completion of the 5000 sq.ft. of replication made a pre-condition of the single family house lot even if 4-lot subdivision does not happen.
- EG asks about property ownership. D. Harris indicates property lines on map.
- DG asks if this has been brought before the planning board. D. Harris responds yes, in a preliminary fashion.
- DG asks how wide the roadway is. D. Harris replies 16ft.
- DB states the roadway should be a concern due to the proximity to abutters. D. Harris states the road has to go where it is shown as there is already disturbance there. DB states the replication area could change if the road moves.
- D. Harris states the last issue is the wetland crossing. He continues that eventually the road will be a connector for Cedar Street and Arnold Street and the Fire Department, Planning Board, and DPW are aware of this plan. He states there is a potential 40-lot subdivision for the land beyond the proposed 4-lot subdivision.
- FD asks about moving the wetland crossing. D. Harris responds the present crossing is considered illegal and crosses a large area. He states by moving the crossing there would be minimal disturbance and it will be discussed further with the 4-lot subdivision NOI.
- M. Mapplebeck (abutter) reviews plans with DB. DB asks if her property is on the pond and explains how this 80+ acre parcel meets up with her property.
- M. Mapplebeck is concerned with how close the houses will be to her 47 acre parcel on the pond.
- DB asks about reference to SCC in minutes from Planning Board meeting stating SCC would not allow crossing at stream. D. Harris states that the Agent indicated the crossing would not be favorable to SCC. DB states the Agent did not make any comments about the crossing.
- DB states there is concern with "hopscotch lots"; first single house, then four houses, then 40 houses.
- EG states he would like to hear NOI for phase two before making his decision.
- DG reviews the Agent's comments.
- EG states the lot is in violation and would like to review all the information that has been submitted.
- FD suggests each board member summarize position on issues.
- DM reviews the status of the 4 conditions of the existing NOI. States first two have been met, that the fourth condition is acceptable in principle, but still has questions regarding the third condition for wetland crossing and restoration.
- D. Harris states the applicant is willing to comply with SCC requests and is looking for direction from the board.

- FD makes motion to approve with condition of 5000 sq.ft. of restoration. DM seconds motion. 4/1 (EG opposed) in favor to approve plan with restoration condition.
- DG reads from crossing standards.
- FD states he is satisfied with current plans and the pre-construction restoration of 5000 sq.ft.
- DM states they are approving this lot as an entrance to the other lots.
- D. Harris asks what the board's preference is for crossing and restoration. DM states they will discuss it with the new NOI in two weeks.
- DG states that restoration can not be the reason the road remains where it is. DB states he does not want to see them return with a "self-imposed hardship" with the road placement.

Hearing closed and approval Order of Conditions to be issued.

9:00 PM Appointment: 19 Long Avenue Tree Removals

G. LeBlane present for discussion.

- G. LeBlane reviews photos of trees with board and suggests pruning leader that hangs over the house but leaving the tree.
- FD asks if they would be cutting down half of the tree. G. LeBlane replies they would cut only the hanging leader.
- DG states that pruning that branch could lead to the tree becoming unhealthy and eventually dying.
- G. LeBlane submits letter from arborist stating condition of tree and recommendation.
- EG would like to take another look at the tree.
- DM states he is okay with removal of the leader. FD is also satisfied with removal of the leader.
- DG reads the arborist statement.
- FD motions to allow removal of leader. DM seconds motion. 2/3 (DM/FD approved; DG/EG/DB opposed) opposed request for removal of leader.
- G. LeBlane asks who is responsible if the tree does fall down.
- FD states the Agent was okay with removal if information presented from an arborist. DM agrees an arborist is more able to interpret the photos.
- DB suggests they revisit after EG looks at the tree. EG states he can't approve removal until he looks at the tree.
- DB states that if the property owner would like to resubmit the request a site visit will be scheduled and the issue revisited.
- FD states the property owner wanted to remove three trees and the board denied the request, now they have reduced to one branch and the board still denied.

PUBLIC HEARING

NOI for DEP 300-734: Lake Management Plan to control aquatic vegetation on SOUTH POND. ESS Group, Inc. representing Town of Brookfield c/o QQLA.

DB opens the public hearing at 9:12PM.

C. Nielsen of ESS Group, Inc. present for discussion.

DG recuses herself from the hearing.

Submitted: Newspaper ad to open the hearing (certified mail receipts submitted with filing.)

Discussion:

- C. Nielsen states there is a 319 grant with the state to create boating channels in Quabog Pond to minimize chemical vegetation control. He also states they are proposing clearing the densely populated areas.
- C. Nielsen explains the boating channels can be created in four ways. Discusses harvesting and techniques used. States there is a proposal filed between Brookfield and East Brookfield for a long term plan for South Pond. Part of South Pond is in Sturbridge.
- C. Nielsen explains that milfoil and fanwort vegetation are the main concerns. DB asks where the milfoil is in the pond. C. Nielsen states mainly in the Sturbridge end.
- C. Nielsen states the Lake Association has a grant for a harvester.
- EG asks if vegetation would spread through harvesting and vegetation fragments.
- C. Nielsen states the questions are; 1) will the boating channels be used and 2) will the vegetation grow back
- EG asks why not collect data from another lake or pond. C. Nielsen replies this is a good specimen for a study.
- DM asks if there is a more detailed pre-treatment conditions aquatic vegetation map for South Pond including relative density. C. Nielsen replies there will be more mapping done prior to herbicide application.
- DM asks what type of milfoil is being controlled. C. Nielsen indicates it is Eurasian milfoil (*Myriophyllum spicatum*)
- DM suggests using the MA-approved triclopyr-based herbicide renovate in pellet form. DB asks if the pellet is a slow release. DM states it is a controlled release.
- DM and C. Nielsen describe a floating silt curtain that would be anchored to the bottom in place to keep fluridone levels to effective concentrations during the period of treatment (several weeks).
- DM states that treatment would be done under the label suggestion rather than minimal concentrations, to prevent having to repeat applications. C. Nielsen replies that some vegetation will not need maximum allowable treatment.
- DM asks about hand-pulling vegetation and will there be designated disposal areas for hand-pulled or harvested aquatic vegetation. C. Nielsen replies that there will be upland composting and they will have to educate on what to pull and what to do with it.
- D. Grehl (abutter, member of the Lake Association) states the goal would be to train lake association volunteers under a long-term management plan.
- DB asks about a maintenance plan for the barrier. DM states the vegetation is harvested and then the plan fragments float to the barrier. C. Nielsen describes the harvester.
- DM states he would like an aquatic plant species list sent to the SCC Office. C. Nielsen responds he can send the current list of send an updated list after the 2007 study.
- DM asks about endangered species in the area. C. Nielsen replies that according to a survey done 3-4 years ago by Natural Heritage there were small areas of endangered species, but none directly in South Pond.
- D. Grehl reviews map with C. Nielsen and states quality control will need the site monitored monthly.
- DB recommends continuing to verify Natural Heritage issues. C. Nielsen states there will be no action taken with South Pond until June 2007.

Hearing continued to May 3, 2007 at 8:00PM.

9:38PM Update from PLAC Meeting

D. Favreau and B. Muir present for update.

Discussion:

- D. Favreau states there are concerns with the OSV property and there have been contractor bids entered to clean up Camp Robinson Carusoe area.
- D. Favreau also submits signs that are to be placed along the perimeter of the area. He suggests the signs having “Town of Sturbridge” or town seal placed on signs. He is concerned the town seal may be hard to distinguish on the signs. He recommends using removable labels.
- DG asks if label would last. D. Favreau states labels could last up to 10 years.
- DG then asks what the labels will cost. D. Favreau responds that the signs were free and they received about 200-250, for the same number of labels it would cost about \$250. He then asked for suggestions on how to raise the money.
- DM asks how the signs will be posted – so that they can be seen as the people are entering the property or leaving the property. D. Favreau responds that the signs are posted as you enter the property. DM suggests also posting signs as people are leaving the property. D. Favreau responds that on this first pass they will post as you enter the property.
- FD asks how the signs will be affixed. D. Favreau submits a rubber grommet that will be used.
- EG asks what the height of the signs will be. D. Favreau responds they will be at a visible height and about 200 ft. apart.
- DM makes a motion to approve the signs. EG seconds motion. All in favor: 5/0 to approve signage.
- DG asks if there are height restrictions on the signs. D. Favreau responds that they will use Army Corps of Engineers standards.
- D. Favreau states the Camp Robinson Carusoe has debris that could be considered hazardous materials on the property near the trails. He states there has been a group organized to remove the debris, but some of the items may be too big and they will need a motorized vehicle. He continues that this is generally not allowed but that state standards say motorized vehicles are okay if they are used for maintenance. He will submit a proposal for the use of motorized vehicles. EG suggest changing the term “hazardous” in the proposal. DM suggests including restrictions, by permit, for the use of the site. DB requests that a reference be made to Section 3, Note 7 when writing the proposal.
- DM states that there may be a need for signage indicating there are receptacles for disposing trash and debris and a “bring it in, pack it out” message.
- D. Favreau reads from the state guidelines on the use of ATVs on the site.
- D. Favreau states that currently the Camp area is off limits while it is under construction. He also states there will be a need for boat access so the land can be used immediately after the signs are in place.
- DM suggests a site visit after the signs are posted.
- EG asks when the camp building will be removed. D. Favreau responds that there have been contractors visiting the site to bid on the job and that members of the committee will be meeting in the coming week to assess the area.
- DM asks about the addition of a “Clerk of the Works”. DB states that a condition can be made to the Order of Conditions to include a “Clerk of the Works” for removal of the camp building.
- D. Favreau states parking access will be located off Stallion Hill Road. It is not marked but can accommodate up to three cars. He would like to add signs to indicate the area. He also states the main entrance will be at Shattuck Road, but there can be no access until the contractors have completed their work.

- D. Favreau will finalize and send the PLAC notes to the SCC for review. He would like to have the SCC make an announcement about the PLAC. DB suggests setting up an interview with Southbridge News to do a story on the PLAC for exposure. D. Favreau asks about posting an announcement on the town website. He also states the committee has a need for a recording secretary and J. Malloy suggested sharing with the SCC.
- DG asks how long it will take for the signs to be in place. D. Favreau responds it would take a weekend to post.
- B. Muir states there have been contractors on the site and asks if they will need to come before the SCC for their plan approval. DB responds that they will have to adhere to all local, state and federal regulations, and will need to have the plan approved by the board before any work can be done.
- D. Favreau states there will be site walk conducted at 7:00AM on 4/7/07.

PUBLIC HEARING

NOI Continued from 3/15/07: DEP 300-720 for proposed 5-lot subdivision at 12 & 30 Farquhar Road, Bertin Engineering Associates, Inc. representing the Spaho Corp.

DM opens the public hearing at 10:09 PM

H. Blakeley from Bertin Engineering present for discussion.

Discussion:

- H. Blakeley states revised plans were submitted and that there are two open issues from the last meeting that need to be addressed; swale mitigation and open space parking.
- H. Blakeley reviews the plans with proposed plantings for the swale. She states it is a rip-rap swale with erosion control blankets.
- DM asks if the erosion control blankets will last two seasons. H. Blakeley responds that it will. DB asks if it will last until the vegetation is established. H. Blakeley responds that it will.
- DB asks about the drainage being on the left side but the water draining to the right. H. Blakeley, DM, and EG all respond that it drains on the same side.
- DB asks the board if they have any questions about the plantings. DG states that the plants will create a wetland area. DM asks what will happen if there is not enough water to maintain the wetland plants. H. Blakeley responds that the plants will be able to maintain since they are transitional and not submerged. DB states that even if there is not enough water for the wetland plants, the water is being treated. DM states that even if the plants don't survive, Bertin will not be held responsible.
- H. Blakeley states there were several suggestions regarding the open space parking issue. She continues that there was a suggestion for a footbridge over Hobbs Brook, a parking area across from Blueberry Lane, parking at the entrance to the cul-de-sac, or parking along the cul-de-sac. She states the parking area across from Blueberry Lane was not explored since the DPW expressed concerns with backing out and there would be a great deal of disturbance. She states the footbridge location was looked at, but the project would be too substantial. She also states that parking at the entrance to the cul-de-sac would cause more disturbance and would require additional maintenance.
- H. Blakeley proposes four parking spaces at the end of the cul-de-sac, providing closer access to the river. DM asks how the public would be routed. H. Blakeley responds that they would be directed down the driveway to parcel C as the area is currently fenced.
- DB states he prefers the cul-de-sac parking and asks how people would know it was available. H. Blakeley proposes signage indicating open space and a reminder to be respectful of property owners.

- FD asks what can be done to prevent homeowners from using parking spaces. H. Blakeley states the spaces will have overnight parking restrictions and will be established before houses are built.
- DB asks the board which option they feel is best.
- FD asks if open space is available to anyone. H. Blakeley responds yes.
- DG reviews comments from the Agent.
- H. Blakely requests continuance. All in favor 5/0 for continuance.

Hearing continued to April 19, 2007 at 9:30PM.

10:37 PM OTHER BUSINESS

1. Permit Signed
 - 58 Main Street - L. Moreno

Public Meeting adjourned at 10:53 PM