

**STURBRIDGE CONSERVATION COMMISSION**  
**January 5, 2012**

Members present: Dave Barnicle, Chairman, Donna Grehl, Ed Goodwin, Wendy Lily-Hansen, Jeff Bonja, Donna Grehl, Calvin Montigny (Alternate Member) and Joe Kowalski (Alternate Member).

Members absent:

Also Present: Erin Jacque, Conservation Agent, Pat and Joe Wondolowski, Edward Seman Jr., James and Lisa Wiseman, Jason DuBois, Jim Dick, Chelsea Willett, Eric Runstrom and Tom and Kelly Peck.

- 7:00 PM-Open Meeting - Quorum check

CPA, PLAC, Trail Committee (TC), Trails Master Plan Steering Committee (TMPSC) and Lakes Advisory Committee (LAC) update(s).

- DG stated LAC had their meeting and came up with a draft of proposals which EJ will e-mail to DG who will forward to the Commission. DG stated she will attend the LAC meeting on the 19<sup>th</sup>.

Walk-ins:

14 Birch Street-Ed Seman

- EJ updated the Commission regarding ongoing issues at 14 Birch Street which letters dated 10/25/11, 12/5/11 and 12/20/11 were sent to ES by EJ. EJ stated if gutters aren't going to be installed, that drip strips be installed; if the driveway is being abandoned, it needs to be stabilized with loam and seed and the Commission need to be notified. EJ stated a berm along the road is causing drainage concerns and will need to be put on a plan if it's going to be permanent.
- ES stated an existing gravel driveway on the north side has been blocked off with a large stone and boulders at the edge of the roadway which is a right of way on his property. ES stated either ground cover or re-claimed asphalt could be used to stabilize in front of his shed. ES stated he is planning to put large diameter stone at the edge of the ROW. ES stated the northern swale will be cleaned up as soon as the danger of frost has passed. ES stated he put a drip strip under the gutters. ES stated the berm on the south side will be made longer and will turn it in towards his property away from the property line just before the tree. ES stated he will plant ground cover there to slow erosion. ES stated he would like the large stone planter leveled and will plant ground cover in that area.
- EG asked how big the area is where the re-claimed asphalt will go.
- ES stated the area is 10' x 10'-15' x 10'.
- DG asked if the erosion controls that were approved for construction are still in place.
- EJ stated no, the earth work within the work area was completed and stabilized.
- DB asked for a summary of what work has been done since October 25<sup>th</sup>, 2011.

- ES stated the northern portion of the driveway is blocked off completely. ES stated when the town re-graded the road it changed the water pattern once again towards his property. ES stated he installed a drip strip on the south side. ES stated he has not extended the timbers yet because of frost.
- EG asked ES if he could dig down a little when putting in the 8"x8" timbers and stake them when the danger of frost has passed.
- CM asked what material is in the area where re-claimed asphalt is proposed to be used.
- ES stated right now it's gravel in that area.
- EJ stated the Commission had asked for stabilization of the drive way, cleaning of the swale on the north side and repair of the planter.
- James Wiseman, 12 Birch Street asked when all the work will be completed.
- ES stated he will try to get the gutters done by spring and the other work when it is feasibly possible.
- PW stated she took pictures yesterday of the south side of ES's property and sees no difference in the property from October. PW asked if erosion controls are put on the property a date to remove be a condition.
- DB asked ES if the drip strip on the south side was done recently.
- ES stated that fill coming off the foundation was dug out and a piece of fabric was put in with large stone on top.
- DG suggested hay bales surrounding the property.
- JB asked if any of the 3 conditions from the letter of enforcement have been addressed yet.
- EJ stated an effort has been made but changes also need to be made to the plan.
- JB suggested the next course of action is to issue fines until the matter is resolved and suggested the Engineer come in and address the issue regarding the planter. JB stated he is not in favor of hay bales.
- EG suggested giving the homeowner 10 days to comply and is not in favor of putting hay bales in.
- WLH stated she would like to see the issues resolved.
- DG agreed with giving the homeowner 10 days and is in favor of placing hay bales.
- JK agreed with giving the homeowner 10 days to comply and suggested rock for the drive way.
- CM agreed with JK.

**MOTION:** By EG, seconded by JB to give the homeowner 10 days to correct the 3 issues from the enforcement letter or begin fining.

*Discussion:*

- JB stated with a date certain that fines be issued on the 11<sup>th</sup> day (January 17<sup>th</sup>, 2012).
- DG suggested adding to the motion one hay bale between the end of the board and the tree.
- ES stated he will put hay bales all along that side.

- DB stated May 1, 2012 the hay bales are to be removed.

**Vote: 5/0.**

- DB stated the Commission would like a phone call to the Conservation office by ES indicating what has been completed and a site visit will be done on the 17<sup>th</sup> with fines starting if the work hasn't been done.

**7:30 p.m. Public Hearing** (Public Hearing opened December 1, 2011) DEP #300-853 Notice of Intent Application submitted by Bertin Engineering Associates, Inc. on behalf of Kelly Peck for the construction of a covered porch with a handicapped ramp, removal of asphalt driveway and installation of pavers, partial second floor addition, replacement of a retaining wall and drainage improvement for garage at 60 South Shore Drive.

- DB stated the Public Hearing opened at 8:10 p.m.
- JD stated there is one outstanding issue which is the versaloc wall.
- EJ stated EG cannot vote on this project and the revisions the Commission would like to see revised are to add a silt sac for the catch basin, the height of the retaining wall, questions regarding the 25' no disturb and the replacement staircase.
- JD stated the proposed replacement staircase is on the revised plan.
- DG asked what material is proposed to go in between the pavers.
- JD stated poly metric sand.
- JB asked if the proposed retaining wall will match the existing retaining wall.
- KP stated the wall is proposed to be raised by a foot.
- EJ stated the potential conditions are: a silt sac in the catch basin, long term maintenance of the catch basin, the retaining wall be installed within 1' of the existing envelope, no stock piling on the property and no grade changes with the exception of the area of the retaining wall.
- CM asked how the proposed retaining wall is going to be built.
- JD stated the retaining wall is proposed to be built using the step back method.

**MOTION:** By JB, seconded by WLH to approve as submitted with modifications indicated by the Agent.

**Vote: 4/0/1 abstention by EG.**

**7:45 p.m. Public Hearing** (Public Hearing opened November 17, 2011) Request for Determination of Applicability submitted by EBT Environmental on behalf of A. R. Belli Development, LLC for work to repair an existing stone culvert at 402 & 409 (Old) New Boston Road.

**MOTION:** By DB, seconded by DG to approve a positive determination under the local bylaw and a negative determination under the WPA.

**Vote: 4/0/1 abstention by EG.**

**8:00 p.m. Public Hearing** (Public Hearing to open January 5, 2012) DEP #300-856 Notice of Intent Application submitted by Roux Associates, Inc. on behalf of Exxon

Mobile Pipeline Company for preventative maintenance of petroleum pipeline at 118 McGilpin Road.

- EJ asked Jim Dick from Roux Associates if the site has been staked, if there are any wetlands or waterways that will need to be crossed to access the site, is there preventative maintenance where the work is taking place, additional information regarding the dewatering plan, whether there's a proposed trench taking place in the wet or on land under water bodies or water ways and some type of consideration like turbidity curtains or sand bagging as opposed to sediment and erosion controls and also an emergency plan. EJ asked if there is any consideration for flocculent.
- JD stated a stake was placed at the boundary of the wetland but the work is approximately 25' into the wetland and access is proposed on the McGilpin Road side. JD provided the Commission with a watering plan which is a 10' x 10' square with either a filter bag or filter fabric.
- DB asked where the discharge from the pump hose goes to.
- JD stated the discharge water is proposed to go into a contained area. JD stated the work is proposed to be completed by the end of January so he is anticipating that the water is frozen and he is on a tight timeline with DOT regulations.
- DB asked what is proposed if a pump around if necessary and there isn't one on site.
- JD stated he doesn't anticipate obstructing stream flow; the work is proposed to take place before the stream. JD stated the work is external work only.
- Chelsea Willett from Roux Associates showed the Commission photos from another town showing how repairs like this are done.
- JB asked about spillage from the pipe.
- JD stated a spillage needs to be reported to DEP and appropriate entities. JD stated the proposed trench is taking place in the wetland and if there is a high level of ground water they are prepared to use some type of coffer dam structure. JD stated the work is proposed to be completed in a day using a standard backhoe then hand dig once you go below 2'.
- WLH asked how much of the pipe will be exposed.
- JD stated before they start digging a smaller dig will be done outside the buffer to identify where the joints in the pipeline begin and get an accurate measurement to the wetland.
- JB asked for a standard engineered document for repairs.
- DB asked about re vegetation.
- JD stated if it's under water it will re vegetate in the spring and if scalping is possible JD will do that.
- DB stated there's a consensus amongst the Commission that hay bales be used.
- EJ stated she has a list of potential conditions: no obstruction of stream flow, before and after pictures of the work area of any excavated work, backup coffer dam with a water barrier or sandbags, a backup pump, the name of the Contractor, notification of a start date and completion date, trenching as far from wetland as possible, a copy of an engineering certification be provided, stabilization

including scalping or replacement and the spreading of straw or hay over the disturbed area.

**MOTION:** By JB, seconded by DB to approve with conditions stated by the Agent.  
**Vote: 5/0.**

**8:15 p.m. Public Hearing** (Public Hearing to open January 5, 2012) DEP # 300-855 Notice of Intent Application submitted by Roux associated, Inc. on behalf of Exxon Mobile Pipeline Company for preventative maintenance of petroleum pipeline at 52 Stallion Hill Road.

- EJ asked if they will be crossing wetlands to get to the work area.
- JD stated the proposed work is in an upland area outside of a wetland and will not cross wetlands to access.
- DB asked about the work process and timeline.
- JD stated work should be completed in one day using a standard backhoe and he will provide before and after pictures.
- EJ suggested following the same conditions as the previous hearing.

**MOTION:** By JB, seconded by DB to approve with conditions.  
**Vote: 5/0.**

## **OLD BUSINESS**

### Tannery Road/Tall Pines Update:

- EJ stated she has been in contact with the owner, contractor, DEP and Art Allen and steps are being taken to bring the site into compliance. EJ stated most of the items have been completed with minor changes to the erosion controls that need to be fixed and brush at the detention basin still needs to be cut.

### 31 South Shore Drive Update:

- EJ stated the letter sent to Gary Allard which she included in the Commissions packet tonight gives him until February 2, 2012 to submit an as built plan showing the conditions of the site.

### Drawing for Winner of Tree Scavenger Hunt:

- DG pulled a name from the Tree Scavenger Hunt drawing box.

## **NEW BUSINESS**

### Fish & Wildlife Correspondence-Shepard Parcel:

- EJ stated she received an e-mail this week from Brandon Kibbey at Fish and Wildlife expressing interest in coming before the Commission to discuss holding a Conservation Restriction on the Shepard parcel. EJ stated BK is willing to get an Engineer from fishing and boating to work with the Army Corp for establishing a boat launch. EJ stated F & W is not open to use the land as a ball field; the CR would restrict active recreation on the site.
- JB stated he is willing to hear from F & W.

- EG asked where Park and Rec stands on this issue and will speak with Mike Moran before the next Conservation meeting.
- DB stated he is willing to have F & W come to the Commission for discussion.

### **Site Monitoring**

#### OSV Road:

- EJ stated she received a phone call and did a site visit. EJ stated she observed 2 pieces of excavation equipment with stumping on the south side. EJ stated she contacted DEP, NH, OSV and the Forester (Doug Hutchinson) for OSV. EJ stated the FCP did not include excavation or stumping of any sorting. EJ stated the area is within NH endangered species area. EJ stated there is potential NH violation, WPA violation and Forest Cutting practices act violation. EJ stated she sent a written e-mail cease and desist until a permit is in place and suggested immediate stabilization with seed and erosion controls to protect the river.

**MOTION:** By JB, seconded by DB to issue a cease and desist order with a restoration plan for the violation as indicated on the enforcement order dated January 5<sup>th</sup>, 2012.

#### *Discussion:*

- EG stated no additional activity on the property.
- The Commission would like OSV to come before them at the January 19, 2012 meeting.

**Vote: 5/0.**

#### Sturbridge Auto Body:

- EJ stated this is jurisdictional because of the 8% slope bylaw.
- DB stated we need a new plan by the owner.

#### 66 Mount Dan Road:

- DG stated on her monitoring site visit she observed an erosion issue.
- EJ stated the site needs to be stabilized.
- JB suggested issuing a warning giving 10 days to stabilize the property once the Agent is able to contact the owner.
- EJ stated she will try contacting the owner tomorrow.
- DG stated the hay bales need to be extended.

#### Big Alum Road:

- DG stated on her monitoring site visit she observed two large, exposed stock piles where a new home is being constructed on this property.

### **Emergency Certification**

#### National Grid-Pole Repair:

- EJ stated this is for a pole repair and NG will use a low pressure vehicle for wetland access.

**MOTION:** By JB, seconded by DB to issue an emergency certification for NG to repair a pole as submitted with the addition of the amendment that the work be done while the ground is frozen.

**Vote: 5/0.**

### **Letter Permits**

#### 61 Bennetts Road-Deck:

- EJ stated this is for a proposed addition of an existing sun porch for an 8' x 12' extension. EJ stated the work is proposed to take about 3 weeks with no ground disturbance and no vegetation removal. EJ stated the proposed work will tie into the existing gutter system.
- CM stated gutters are not shown on the plan.
- EJ stated she will clarify the gutter system.

**MOTION:** By EG, seconded by WLH to approve with the Agent's approval.

**Vote: 5/0.**

#### 479 Main Street-Tree Removal:

- EJ stated to the Commission she received a tree removal request and pictures of the proposed trees to be removed are in their packet. EJ stated DB did a stop work order and showed additional pictures from her site visit of trees that were felled into the wetland. EJ stated additional trees are proposed to be removed that are encroaching on the building.

*Commission would like a site visit.*

### **Forest Cutting Plan**

#### 138 Walker Pond Road-Scott Hengen/Christian Kruger(proposed change of access and landing and elimination of a wetlands crossing:

- EJ stated she was contacted by CK and was informed that he gained permission from Wells State Park to utilize their Right of Way for access to the site and eliminated the need for wetland crossings. EJ stated she asked CK which crossings would be eliminated and his response was that he will be able to pull all wood without using any crossings.

*Consensus by the Commission to move ahead.*

### **Correspondence**

#### MA Highway line- of- site maintenance:

- EJ stated this is a proposal to trim trees along Route 84 at exit #3 near New Boston Road.

*Consensus by the Commission to approve tree trimming at the above location.*

#### Trails Committee-Prisoner work release program:

- EJ stated she received an e-mail from Tom Chamberland stating he is working with Phil Cambo from Northern Tree and a Trail Consultant who is doing the Trails Master Plan. EJ stated NT has a work release program they are proposing that would consist of 2 Sheriffs, 1 NT staff person and a 4<sup>th</sup> person may be present for direct job training.
- JB asked about the possibility of posting the notification for residents when this work is taking place on the property.

*Consensus by the Commission to move forward.*

- EJ stated she will notify TC.

**MOTION:** By WLH, seconded by JB to adjourn at 10:45 p.m.

**Vote: 5/0.**