

STURBRIDGE CONSERVATION COMMISSION
February 16, 2012

Members present: Dave Barnicle, Chairman, Donna Grehl, Ed Goodwin, Jeff Bonja and Joe Kowalski (Alternate Member).

Members absent: Wendy Lilly-Hanson and Calvin Montigny (Alternate Member).

Also Present: Erin Jacque, Conservation Agent, Danny Correa, Val Quink, John Holdcraft, Jim Decoulos, Brad Hanson, John Hanson, Linda Seguin, Michael Thibeault, Raul Curbelo and Joel Bard.

7:00 PM-Open Meeting - Quorum check
As time allows

CPA, PLAC, Lakes Advisory Committee, Tree Warden Advisory Committee (TWAC) and the Trails Master Plan Steering Committee (TMPSC) update(s).

- DG stated LAC is meeting tonight.
- EG stated CPA met Monday night and the allocation of funds were discussed for the upcoming Town meeting.
- JB stated there was no TMPSC meeting.
- JK stated the TWAC is looking for candidates regarding tree planting.
- DB stated the PLAC meeting is next week.
- DB stated the Trails Committee met and plans that were already discussed within the Conservation Committee two weeks ago were again discussed.

Walk-ins: Dan Correa-66 Mount Dan Road:

- DC stated he is proposing to build the last retaining wall on the Mt. Dan Road side of the property and will use existing fill on site. DC stated he is proposing Techo Blocks with gravel.
- EJ stated there are compliance issues regarding erosion controls and suggested the owner take better care in maintaining the erosion controls.

MOTION: By EG, seconded by JB to approve the minor modification as indicated by the Agent with the retaining wall being 3'10" x 13'6".

Vote: 4/0.

7:30 p.m. Public Hearing –(Public Hearing opened January 19, 2012)Review of proposed Land Use and Management Policy items like Trails, Use of Conservation Lands, Rules & Regulations on Conservation Land, Terms of Timber Harvest, Mechanized Vehicle Policies, Handicapped Access, Conservation Restrictions, Management by Parcel, etc.

- Discussion amongst the Commission regarding Land Use Policy and EJ welcomed comments and suggestions.

Public Hearing continued to March 15th, 2012 @ 7:30 p.m.

7:45 p.m. Public Hearing- (Public Hearing to open February 16, 2012) Request for Determination of Applicability submitted by Landscape Evolution on behalf of Raul Curbelo to determine whether the work depicted on the submitted plans for 110 South Shore Drive is subject to the Wetlands Protection Act and municipal wetlands bylaw.

- Michael Thibeault from Landscape Evolution stated this is a proposal to replace 39 rotted timber steps with Goshen Stone in the same location. MT stated no fill is proposed and work is proposed to be done in April and take no more than a week to complete.
- DB suggested as a condition that the work be weather dependent and asked about erosion controls at the base.
- MT stated he is proposing to use staked hay bales and a silt fence.
- EG asked what is proposed for the path.
- RC stated crushed stone is there now and they would backfill with crushed stone as necessary.
- EG stated he would like the crushed stone on site prior to construction.
- DB suggested native plantings for the area.

MOTION: By JB, seconded by EG to issue a negative determination under the WPA at 110 South Shore Drive.

Vote: 4/0.

MOTION: By JB, seconded by EG to issue a positive determination under the local bylaw.

Vote: 4/0.

OLD BUSINESS

31 South Shore Drive-Follow up from Site Visit:

- DB stated the purpose of the site visit was to see where Mr. Allard had done work that was not on his plan. DB stated the work done on Mr. Allard's property that was not on the plan was done to his satisfaction.
- EG stated there is brush and pipe storage within 100' he wants pulled out and an area that was scraped he wants reclaimed.
- EJ stated she had no issue with the storage of brush but agreed with EG regarding the storage of pipes within the 100'. EJ asked the Commission if they want more information regarding Mr. Allard's existing plan.
- DB stated he wants more information on the plan and an "as built" submitted.
- EG stated he wants to see a proposed plan before an "as built" is submitted.
- The Commission stated they would like an existing conditions plan and a proposed conditions plan in the form of a Letter Permit submitted by March 1, 2012 with no work in the mean time to taking place on the property.

Correspondences submitted by James Decoulos on behalf of John & Linda Seguin:

- DB stated the Commission is not permitted by DEP to do a new delineation on property that has already been delineated and approved therefore the Commission should not respond to the letter sent by JD.
- JD stated his opinion is there was fraud committed on behalf of the Engineer who did the delineation on 31 South Shore Drive. JD stated according to the MACC guidance manual on Riverfront section 13.3.6 the Riverfront was not properly established and has expanded. JD stated his opinion is the Mean Annual High Water line is the BVW that is shown on the septic plan today. JD read the definition of the MAHW line and stated the Commission has a right to act because of the changed conditions created by Beaver activity.

MOTION: By DB, seconded by JB to not do a re-delineation of the property in question.

Discussion:

- EG stated the Commission does not have the authority to do that.
Vote: 4/0.
- DB stated any further inquiries by Mr. or Mrs. Seguin be directed to the TA.

43 Mashapaug Road:

- DB stated he would like to ask the town to accept the property being offered at 43 Mashapaug Road to be under the care, custody and control of the Conservation Commission. DB stated in regards to a water issue on the property if accepted by the town DPW would need to install a drainage pipe.

Consensus by the Commission to accept the land at 43 Mashapaug Road.

Old Sturbridge Village-Scheduling of Restoration Plan submittal:

- EJ stated she received a request from Michael Barry asking to submit a stabilization plan regarding immediate issues for the March 1, 2012 Conservation meeting and a permanent restoration plan submitted by the March 15, 2012 Conservation meeting.

Consensus by the Commission to approve the request by Michael Barry.

NEW BUSINESS

Enforcement-10 Willard Road-Tree Cutting:

- EJ stated she received a complaint regarding a mini excavator and spoke with the owner of the property at 10 Willard Road in regards to removal of trees without the necessary permits and notified them if there is more than 10 cords removed a FCP would need to be filed with the state.
- EG asked where the staging area is.
- John Hanson stated the staging area is in the parking lot of ZZ Tech.
- EJ suggested a 50' area between the area of work and the stream unless something was blocking the water flow, no stumping, no equipment in any wet areas, no cutting of live trees within the wet area.

MOTION: By JB, seconded by EG to approve the Emergency Certification for 10 Willard Road with the Agents comments amended.

Vote: 4/0.

Request for Minor Modifications to Orders of Conditions

Trolley Trail Modification-DEP #300-840:

- EJ stated this is for a minor amendment requested by DPW to relocate the culvert pipe 370' from the gate to allow discharge of water across the trail.

Consensus by the Commission to approve the minor amendment.

Hein's Farm-200 Leadmine Road-DEP #300-769:

- EJ stated this is a request to extend the Bog Bridge 35'.

Consensus by the Commission to approve the extension of the Bog Bridge.

Letter Permits

Gateway Trail-1 Old Sturbridge Village Road:

Consensus by the Commission to approve the Gateway Trail Letter Permit.

MOTION: By EG, seconded by JB to adjourn @ 9:00 p.m.

Vote: 4/0.