

# STURBRIDGE CONSERVATION COMMISSION

June 6, 2013

Meeting held at the Sturbridge Center Office Building 301 Main Street, 2<sup>nd</sup> floor

7:00 p.m. Open Meeting-Quorum check.

Members present: Dave Barnicle, Chairman, Calvin Montigny and Joe Kowalski.

Members absent: Donna Grehl and Ed Goodwin.

Also Present: James D'Andrea, Mark Farrell, Chris Lucas, Ryan Gorshman, Heather Hart, Carol Goodwin, Terese Gorman, L.S. Jalbert, Arnold Wilson, Brian Dundon, Michael Donahue (not signed in), Phil Trusdell (not signed in) and Craig Matinell (not signed in).

## Committee Updates

CPA, SLAC, Trails Committee (TC) -Updates:

*Postponed.*

Walk-ins: Fish & Wildlife, Phil Trusdell and Craig Matinell-Discuss Leadmine CR and Stewardship Plan:

- Phil Trusdell and Craig Matinell discussed the FCP and the FSP with the Commission and stated they will come back at a later date to discuss trails and how they conform to the CR.

## Public Hearings

**7:30 p.m. Public Hearing:** Notice of Intent #300-883. 110 Westwood Drive. James and Linda D'Andrea. Second floor addition and deck relocation on an existing structure:

- LJ presented the improvement plan to the Commission and stated they are proposing a pervious walkway to the shoreline, removal of an existing deck, addition of a second story with an upper deck, an area where the propane tank and generator is proposed to be screened by a 6' wooden fence, new trees and bushes along the shoreline to be done after drawdown, removal of a retaining wall and a geo grid parking area 6" in depth filled with stone.
- CM asked which retaining wall is proposed for removal.
- LJ stated the retaining wall that is proposed for removal is not structural and is 9'6" from the back of the house.
- DB asked about roof runoff.
- LJ stated there are downspouts at the corners of the house and sheet flows 20-25' from the water with no proposal of planting a lawn.
- GC asked about 2 sets of erosion controls.
- LJ stated one set of erosion controls runs from the north side and connects to the house with the other set which envelopes the site because no activity is proposed for the front of the house until drawdown.

- DB stated that he was pleased that the homeowner gave serious consideration for the small and harmful site to Cedar Lake.

**MOTION:** By CM, seconded by DB to approve DEP #300-883 for 110 Westwood Drive for the improvement and landscape plan.

**Vote: 2/0/1 abstention by JK.**

**7:45 p.m. Public Hearing:** Notice of Intent #300-882. 172 Lake Road, Real J. Jr. & Elizabeth Poirier. Construct new building addition:

- Leonard Jalbert stated this is a proposal for a 14' x 28' addition with a 2' wide drip edge (6" in depth of stone) on the north and south side. LJ stated the addition is proposed to be placed on piers with minimal excavation with the electrical removed and placed underground.
- CM asked if the oak tree will interfere with the proposed electrical work.
- LJ stated no.

**MOTION:** By DB, seconded by CM to approve DEP #300-882 for 172 Lake Road.

**Vote: 2/0/1 abstention by JK.**

**8:00 p.m. Public Hearing:** Notice of Intent DEP #300-884. 4 Shumway Hill Road. John Scott, septic system construction:

- Mark Farrell stated there is an existing failed septic system which he is proposing a 2 compartment 1500 gallon Title 5 raised septic system graded evenly with the road. MF stated he is proposing to remove the abandoned sewer pipe and relocate it in the basement. MF stated there is a silt fence proposed at the top of the slope.
- DB asked that straw waddles be used in place of the silt fence.

**MOTION:** By CM, seconded by JK to approve the septic construction.

**Vote: 3/0.**

**8:15 p.m. Public Hearing:** RDA, 9 Holland Road. G.B. New England 2, LLC. Filing for Determination under the Bylaw only:

- Mark Donahue stated he was here on behalf of G. B. New England 2 seeking a waiver in the 25' and 50' buffer for a 9,800 square foot CVS Pharmacy to replace the current buildings on site (one building is 20,500sq. ft. and the other building is 1,300 sq. ft.) under the WPA section 4.13.
- Chris Lucas from Lucas Environmental showed the mean high water mark and flood elevation point on what would be proposed plans and stated this is an 8.8 acre parcel with 2 rare species of mussels; the Creeper and Triangle Floater. CL stated they were notified by Natural Heritage the Triangle Floater has been removed from the endangered species list. CL showed existing site plans to the Commission.
- GC asked if there was any difference between the gravel areas and light green areas on the plan.
- CL stated there is some vegetation in the light green area on the plan and showed the previous disturbed area of 3,500 sq. ft. of impervious area and 14,000 sq. ft. of

- proposed restoration outside the limit of work. CL stated the proposed mitigation is just over 2:1 for the entire site and just under 2:1 in the 25'-50'.
- CM asked what the existing impervious surface is in the 25'-50'.
  - CL stated within the 25' there is currently no building in that area and the proposed impervious area is 1,000 sq. ft. CL stated there is approximately 2,950 sq. ft. of paved area and the proposed would be reduced to 500 sq. ft. CL stated there is currently 13,650 sq. ft. of pervious surface in a disturbed area with a proposal of 2,000 sq. ft. of pervious surface in a previously disturbed area so the net reduction would be 13,100 sq. ft. within the 25' of previous disturbed area in addition to what would be proposed south of the limit of work. In the 25'-50' the reduction of impervious surface is 300'.
  - DB stated one of the rear corners of the building is in the 50' buffer and the other one is in the 25' with the retaining wall slightly below that. DB also stated his concern for the 200' riverfront area.
  - MD stated the reason for the location of the building being in the proposed area is to make sure the entire project complies with the Sturbridge zoning bylaws in regards to setbacks. MD stated after meeting with the Planning Department 2 or 3 times he was told there would be no flexibility in regards to setbacks. MD stated there will be an in depth explanation in a NOI in regards to the treatment and containment of a storm water system that will control the runoff from traveling off site into the river in an unmitigated, uncontrolled fashion which is what is happening now. MD stated there is a portion of undeveloped land that could potentially be donated to the town as open space.
  - Brian Dundon from R. J. O'Connell & Assoc. stated that design alternatives have been looked at in regards to moving the building in a southerly direction but the width of the lot gets smaller and wouldn't work in regards to curb cuts, traffic, the drive thru, access on all 4 sides for Fire Trucks and greater land disturbances in the 25'-50'.
  - CM asked that CVS consider moving the building out of the 25' but would possibly allow the retaining wall in the 0-25'.

*Discussion regarding moving the building out of the 25'.*

- GC asked about losing flood storage and flood control with this proposal. GC also stated concern regarding wildlife in the 400' wall area.
- CL stated no the elevation 598 (100 year flood plain) is well below.
- DB asked what the length of the retaining wall is and where erosion controls are proposed for that area.
- BD stated the linear length of the retaining wall is about 400' and erosion controls are proposed along the limit of work area. BD stated there have been no formal plans prepared yet but they would be presented as part of an NOI filing. BD stated maybe the area of concern be modified to push that retaining wall toward the building.
- GC stated his concern in regards to the wildlife habitat along the wall
- CL stated there is a concrete structure in the area of the proposed wall that is proposed to be removed and the area restored.

- Residents stated their concerns with the site and asked how much fill is proposed to be brought into.
- BD stated final grading plans have not been completed yet.
- GC stated he spoke with Town Council in regards to how the Commission issues a Determination that gives the applicant a waiver of the municipal bylaw. GC stated there is nothing in the bylaw that addresses issuing a waiver. GC stated the Commission could check to see if the area or work described is subject to the Conservation Commission pursuant to the municipal ordinance or bylaw but the applicant would still need to file with Conservation. GC stated the applicant has to meet the performance standards to protect the WPA. GC stated if the Commission issues a Determination an additional letter would also be necessary stating the Commission would **consider** work in the buffer zones to see if it meets performance standards within the WPA.
- Brandon Goodwin asked if the additional letter would give the applicant permission to build in the 25'.
- GC stated the letter does not give the applicant permission to do the work just a consideration.
- MD stated it was his understanding that one or more members of the Commission inquired about whether there could be a design in which some or all portions of the building that in the 25' area could be removed although some portion of the wall might continue to be removed. MD stated if one or more Commission members would be of assistance to them that they would ask for a continuance.
- CM stated to MD that it was possible.
- JK stated to MD yes.

*Consensus to continue the Public Hearing to 6/20/13 @ 8:15 p.m.*

### **Minor Amendments to Orders of Conditions**

#### 36 Mt. Dan Road-John Stagias-DEP #300-873-Installation of geothermal wells:

- LJ stated this is an amendment for a proposal of 2 geothermal wells 6" in diameter and 25' outside the 25' buffer zone.
- DB asked what is above ground when the geothermal wells are installed and what is proposed to be done with the fines.
- LJ stated there will be nothing above the ground once the wells are installed and all fines will be removed off site. LJ stated straw waddles are proposed for erosion controls.
- GC stated the straw waddles are on site now and are working well. GC stated the Conservation Office was never notified where the dewatering basin was placed.

**MOTION:** By CM, seconded by JK to approve the minor amendment for DEP #300-873 for the relocation of the geothermal wells.

**Vote: 3/0.**

#### 60 South Shore Drive-DEP #300-853-7' x 21' deck on an existing house:

- GC stated this is a minor amendment to an existing OOC DEP #300-853 for a 7' x 21' 2<sup>nd</sup> story deck over an existing concrete patio.

- DB asked how the deck is being supported and that the support mechanism needs to be put on the plan. DB suggested all digging to be done by hand.

*Consensus by the Commission to approve the amendment to DEP #300-853.*

**Approval of Minutes:** May 16, 2013.

**MOTION:** By DB, seconded by JK to approve the minutes of May 16, 2013.

**Vote: 3/0.**

## **NEW BUSINESS**

### **Emergency Certification**

Outdoor World-Repair of water line as ordered by DEP:

- GC stated the owner of Outdoor World will come to the June 20<sup>th</sup> Conservation meeting to discuss the water line that DEP issued to be buried immediately. GC stated he will meet with DEP next Tuesday on site. GC suggested that as part of the emergency work order a plan be prepared to remove the remainder of the line from the stream bed and placed in the buffer zone.

114 Lane 10-Washout:

- GC stated this is a driveway washout and suggested sending a Memorandum of Understanding that the owner only do the necessary emergency work and have the owner come before the Commission for the other work that is causing the washout issues. GC stated he asked that the silt at the bottom of the hill be removed and there are no stormwater controls on the house. GC suggested a date of 7/18 for the work to be completed.
- DB suggested a drip strip around the house.

### **Enforcement**

10 Whittemore Road-Bret Soper-Filling of a wetland:

- GC stated he observed on his site visit that some debris had been pulled out of the wetland (due to a cord wood operation). GC stated Bret Soper asked to come to the June 20<sup>th</sup> Conservation meeting to discuss the operation. GC suggested issuing a Memorandum of Understanding in regards to how BS should go about pulling the debris out of the wetland and inform the Commission where he is disposing of the debris.

9 Audubon Way-Victor Matheson-Encroachment in easement (letter sent 5/30):

- GC stated he spoke with Mrs. Matheson and she will bring a planting plant to the next Conservation meeting. GC stated the fence that was supposed to be removed is still in place as of today.

67 Allen Road-Thomas Kane-Work in BVW (letter sent 5/21):

- GC stated he is not sure if work has started on this property and will continue this to the next meeting.

## **Letter Permits**

### 48 South Shore Drive-Douglas Jolin-Tree removal and trimming:

- GC stated this is for a proposal to remove 1 oak tree on the north side and pruning of an oak tree on the south side.
- DB suggested that 6-8' of pruning be done but no removal of trees.

*Consensus to prune the trees with no removal.*

### Hein's Farm-FROST New Moon Night Hike-June 8, 2013:

- GC stated the New Moon Night Hike has been cancelled.

### Leadmine Mt. - Happy Trails benefit equestrian trail ride-August 11, 2013 rain date August 18, 2013:

- GC stated this is for a benefit to use Leadmine Conservation lands for a benefit on 8/11/13 with a rain date of 8/18/13 for about 30 cars at the OSV Education building.

*Consensus by the Commission to approve.*

## **Certificate of Compliance**

### 174 Charlton Road:

- GC stated he is postponing this because the detention/retention basins on the property at 174 Charlton Road had issues in regards to the size of the basin and the basin being in the wrong location. GC stated he has asked Bertin Engineering to look at it to see if it is now functioning as the original design did.

## **Partial Certificate of Compliance**

### 8 Deer Run Circle:

- GC stated the conservation easement is stable.

## **Correspondence**

### 43 Old Mashapaug Road-signatures:

- GC stated this is for acceptance by the Commission for 43 Old Mashapaug Road.

### Hein's Farm Haying Contract:

- GC stated he has prepared the Hein's Farm Haying contract and asked the Commission for signatures.

**Election of Officers-rescheduled to June 20, 2013.**

**MOTION:** By CM, seconded by JK to adjourn @ 10:25 p.m.

**Vote: 3/0.**

**A copy of the DVD from tonight's meeting is available upon request if needed from the Audio Department @ 508-347-7267.**