

## STURBRIDGE CONSERVATION COMMISSION

Thursday July 18th, 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: Ed Goodwin, Chairman, Dave Barnicle, Donna Grehl, Calvin Montigny and Joe Kowalski.

Members absent: None

Also Present: Glenn Colburn, Conservation Agent, Ryan LaFortune, Ed Neal, Brian Dundon, Mark Bettenhausen, N Lynn Eckhert, Doug Smith, Louis Fazen, Heather Hart, Chris Lucas, Penny Dumas, Alan Peppel, Carl Desse, and Carol Goodwin.

### **Walk-ins:**

#### Ryan LaFortune-43 Draper Woods:

- RL stated he is proposing a shed to the back right portion of his lot 15' to the hay bale line. RL stated he is proposing to place the shed on gravel or whatever the Commission feels would be best.
- CM asked about grade changes.
- RL stated he is not sure of the grade changes.
- JK stated he has no issue with the proposed shed on gravel.
- EG suggested that the shed be moved further away from the wetland and asked that the Agent look at the site.
- GC stated there is a 50' no build and would like to see the shed built further away than what is proposed.

*Consensus by the Commission to see if the shed can be moved as much as possible to conform to the 50' "no build" buffer zone. The Agent will contact the homeowner and view the site.*

- DB asked that the proposed shed area be staked for the site visit.

#### Walker Pond Association-Doug Smith-Discuss maintenance of sedimentation ponds and filing requirements:

- DS stated he is here to discuss how to go about maintaining 3 dams and ponds that were last cleaned 15 years ago which need cleaning out of sediment. DS stated dam #2 has completely failed. DS is proposing to restore the stream bed in pond #2.
- GC stated on his site visit he observed pond #2 to be ankle deep in mud and suggested that the work take place in late August.

- CM asked the percentage of silt in the ponds and if there are invasive plants in the ponds.
- DS stated the ponds are full of sediment and the swamp grass in the ponds is not proposed to be removed.
- CM suggested that this be filed as an RDA and the Commission visit the site.

N Lynn Eckhert 146 Lane 8-Discuss improvements to the property:

- LE stated she is proposing to raise the building on the property 12” using hand tools and screw jacks and proposed a number of other improvements.
- GC suggested that an NOI be filed for the proposed work.
- JK and EG agreed with GC.
- LE asked if she could raise the building 12” before filing an NOI.
- EG stated no.

**Public Hearings**

**7:30 Public Hearing:** (Bylaw only) 9 Holland Road-G.B. New England 2, LLC (con’t. from 6/6/13) Filing for Determination under Bylaw only.

- Mark Donahue stated they are here seeking a waiver for the 25’ & 50’ buffer zone restrictions on a previously disturbed area which is authorized in section 4.13 of the Sturbridge bylaw and improve the resource area. MD stated the revised plan is proposed to extract the building from the 25’.
- CL showed the re-designed plan stating they removed the building completely out of the 25’ shifting the building 130’ south on the property. CL stated they reconfigured the layout and added landscaping in the parking area. CL stated the wall has been reduced to 15’ at the pinch point closest to the river and in the 25’ no disturb buffer zone. CL showed on the plan where the wall is scaled down to 10’-15’. CL stated the wall outside of the 50’-100’ is 17’-18’ high at its highest spot. CL stated the limit of work is proposed to be 2.4 acres (previously 2 acres). CL stated there is 800 square feet of proposed impervious area in the 25’ buffer zone and approximately 300 square feet of the building is within the 25’-50’ no build buffer zone. CL stated the revised plan showed 17, 950 square feet of restoration in the 25’ and 13, 450 square feet of restoration in the 25’-50’.
- DB asked where the restoration begins in the 25’.
- CL stated the restoration begins at the toe of the slope down to the river. CL stated the proposed project is 3 acres (out of a total of 9 acres) with the remaining acreage conveyed to the town.
- CM asked where the wall is in proximity to the shoreline at its closest point and the distance of the wall in the 25’.
- Brian Dundon from R. J. & Associates stated the closest point of wall to the edge of the vegetative wetlands is about 10’.
- CL stated the length of the wall in the 25’ buffer zone is 140’.
- GC asked if the phragmites out of the work area is proposed to be removed along with the phragmites in the disturbed area.
- BD stated as part of the mitigation all the phragmites is proposed to be removed prior to the town receiving the land.

- Heather Hart expressed her concern with the size of the building proposed for the project and stated CVS has built smaller stores in historic districts.
- Penny Dumas expressed her concern with this site being an environmentally sensitive site.
- Arnold Wilson stated this project is not the right project for this site.
- Pat McGarrah (not signed in) stated he is not in favor of the proposed project.

*Comments from audience members in regards to the project.*

**MOTION:** By DB, seconded by CM to reject the requested waiver of the 25' and 50' buffer zone requirements in the Sturbridge Wetlands Bylaw.

*Discussion by the Commission regarding the project.*

**Vote: 3/2 by JK and CM.**

**8:00 p.m. Public Hearing:** 60 South Shore Drive-Kelly Peck-retaining wall. Waiting for DEP # and NHESP:

- GC stated the applicant has requested a continuance to 8/15/13.

### **Committee Updates**

CPA, SLAC, Trails Committee(TC):

- EG stated CPA has not met.
- DB stated Trails met last Tuesday regarding this Saturday's work at Hein's Farm @ 8:00 a.m. DB stated the well was destroyed at last Saturday's work session at CRC. DB stated the Trails Committee met with representatives from F&W and Conservation Commission to discuss future trail building activities and consistency with the conservation restriction held by F&W..
- DG stated that John O'Brian stepped down as SLAC president.

### **Correction of Administrative Error**

**MOTION:** By DB, seconded by CM to close the 9 Holland Road Public Hearing and issue a negative determination under the local bylaw in relation to the CVS proposal.

**Vote: 5/0.**

### **Minor Amendments to Order of Conditions**

Allen Peppel-94 Paradise Lane-DEP #300-841, Minor Amendments to Order of Conditions- landscaping plan in buffer zone:

- GC stated the overall landscaping plan will remove growth in the 25' buffer zone. GC is concerned regarding the amount of work proposed in the 0-25' no touch buffer zone.
- Carl Besse from Rutland Nursery discussed his proposal to remove existing invasives (honeysuckle, grape and bittersweet) and his proposal to plant a sod 5''-6'' thick of low bush blueberry. CB stated he is proposing to remove the mountain laurel by cutting it to the ground which will then die off. CB stated he is not proposing to remove the grey birch trees on the property.

- DG suggested high bush blueberry be planted instead of low bush blueberry.

*Discussion by the Commission that grape vine is not an invasive and suggested a site visit before approval of the plan.*

## **NEW BUSINESS**

### Gift of Land-3 Parcels:

#### 31, 33, 33A Camp Road:

- GC stated this is for 31, 33 and 33A Camp Road for a total of .56 acres offered as a donation to the town of Sturbridge.

**MOTION:** By DB, seconded by EG to accept the property for Conservation purposes.

**Vote: 5/0.**

#### 35A Champeaux Road:

- GC stated this is for .36 acres at 35A Champeaux Road donated to the town of Sturbridge. This parcel appears to have access problems which would limit public use of the lands.

**MOTION:** By DB, seconded by CM to reject the offer of land at 35A Champeaux Road.

**Vote: 5/0.**

#### 20 Stoney Brook Drive:

**MOTION:** By DB, seconded by CM to accept the land at 20 Stoney Brook Drive for purposes of further protecting the water shed.

**Vote: 5/0.**

## **Enforcement**

### 10 Whittemore Road:

- GC stated he met with Bret Soper regarding an enforcement order at 10 Whittemore Road. GC stated BS agreed to take debris out of the wetland which GC stated machinery might be necessary. GC stated he will meet BS on site to guide him of how much debris to remove, cleaning down to the soils, seeding with a Conservation mix and staying 25' back from the wetland once it's restored.
- DB suggested the Commission start fining BS if work is not completed by the next Conservation meeting.

### Draper Woods :

- EG suggested a cease and desist on lots 37, 38 and 39 until the Commission receives a plan.
- GC stated Tim Reardon asked to meet on site this Tuesday morning. GC stated he will issue a cease and desist until he receives a plan and he ok's it, the condition of the erosion controls are in good working order, there are silt sacs in the basins, a weekly inspection by Jalbert Engineering with a report to the Agent,

a grading plan for all 3 lots, perimeter drains on the plan and how the rock wall is going to be fixed. GC suggested no meeting with TR until a plan is received.

*Consensus by the Commission to approve a cease and desist with above conditions.*

### **Letter Permits**

#### 61 Clarke Road Ext.-Michael Spillane-Tree Removal Application-2 trees:

- GC stated this is a proposal to remove 2 dead trees about 20' from the screened porch. GC showed a picture of the proposed trees to be removed and stated there is BVW behind the fence where the trees are. GC stated he doesn't think mitigation is necessary in this situation since the trees are dead and do not provide any shade to the wetland.

*Consensus to approve the two dead trees for removal not using any machinery, no stumping and leaving the trees in the wetland.*

### **Request for Certificate of Compliance**

#### 14 Birch Street-Ed Seman-DEP #300-811:

- GC stated there is old lumber by the Shoreline, the dock is falling apart and questioned whether the dry well and deck on the plan have been constructed. GC suggested waiting to issue a Certificate of Compliance and he will speak with the deceased owner's sister regarding the issues at this site.

*Consensus by the Commission not to issue a Certificate of Compliance.*

#### 8 Old Brook Circle-The Preserve-DEP #300-471:

- GC stated the site looked good. There is an easement at the rear of the property and there has been no encroachment into that easement.

**MOTION:** By CM, seconded by DB to issue a partial Certificate of Compliance for 8 Old Brook Circle DEP # 300-471.

- DG suggested that the Agent send a note to the property owner letting them know there is an easement on the property.
- GC stated he has already spoken with the property owners regarding the easement and they are aware of it.

**Vote: 5/0.**

#### 149 Charlton Road-Stop & Shop (VHB) DEP #300-849:

- GC suggested waiting for a month before issuing a Certificate of Compliance. GC stated the sod is thin. Stop & Shop will do watering to try to improve the site.
- CM suggested adding seed.

#### 300 Brookfield Road-Bill Swiacki & Co.-DEP #300-93:

- GC stated this very old Order of Conditions was for weed management within a 5 acre pond.

**MOTION:** By JK, seconded by DB to close the Order of Conditions for DEP #300-93 and issue a Certificate of Compliance.

**Vote: 5/0.**

**Approval of Minutes:**

June 20th, 2013:

**MOTION:** By DB, seconded by JK to approve the 6/20/13 minutes as written.

**Vote: 5/0.**

**Correspondence**

Trails Report:

- GC stated there is a number of work items scheduled to take place Saturday on the red, white and pond loop trail on Leadmine Mountain.

17 Woodlawn Drive:

- GC stated there is silt and sand cleaning in an intermittent stream on 17 Woodlawn Drive which is MA Turnpike property. The Central Mass. Mosquito Control Board has sent notification that they are preparing to do “ditch maintenance” at this location to alleviate the problem of blocked culverts and stream channels.

**Agent Report**

Lake Testing:

- GC stated he met with Dave Mitchell and lake testing is scheduled for August 9<sup>th</sup> and 10<sup>th</sup>. They will be using a new laboratory.

**SITE VISIT SCHEDULE**

**ADJOURN**

**MOTION:** By CM, seconded by DB to adjourn @ 9:45 p.m.

**Vote: 5/0.**

**A copy of the DVD from tonight’s meeting is available upon request if needed from the Audio Department @ 508-347-7267 or viewing is possible thru the Public Access Television Department on the town website.**