

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, November 7, 2013
Sturbridge Center Office Building, 2nd Floor**

Meeting Commenced: 7:00 pm

Meeting Adjourned: 11:03 pm Motion: DB 2nd: DG Vote: Unanimous

Quorum Check: Confirmed

Members Present: Ed Goodwin, Chairman
Dave Barnicle, Vice Chairman
Donna Grehl
Joe Kowalski

Members Absent: Calvin Montigny

Others Present: Glenn Colburn, Conservation Agent
Applicants and/or Audience Members: Leonard Jalbert, Jeremy Methe, Rob Jackson, Carl Hultgren, Dennis Rice, Dave (John) Holdcraft, Anne Reitmayer, Art Allen, Sam Moffett, John Stagias, Mark Meachan, Richard Para, Margaret and Gary Allard

Committee Updates:

- **CPA:** Trust for Public Land, will sign a purchase and sale for \$1.75 million for Plimpton property off of New Boston and Arnold Rd. Site walk on 11/23/13.
- **Trail Committee: meeting next week.**
- **Lakes Advisory Committee:** Continue to write newspaper articles. Currently have a new president and two new folks on the committee.

Minutes: Nothing available for approval at this time

Walk-Ins:

- **Jeremy Methe – 2 South Paradise Lane; request for a 900 sf addition above existing garage.**
 - Survey completed. Zoning meeting agreed that no special permits are required.
 - Scope: Taking roof off of the exiting garage and putting a second level addition over the garage for bedroom and bath (roof will stay appx. 6" lower than the existing roof depending on the final pitch). No gutters on the roof.
 - No footprint will change, no digging on site, no landscape/earth work being done.
 - Do they need to file a notice of intent? GC – since there will be no digging, he has no concern for erosion. Must contain debris so it doesn't blow around site. Suggest an RDA (no NOI required). All materials to be put into a dumpster in the driveway. Site visit to look at drainage. **Consensus for applicant to file an RDA: Yea: 4 Nay: 0**
Vote: All in favor.

Public Hearings:

7:15pm: NOI DEP#300-893 195 Arnold Rd, Hyland Orchard Dennis Rice, McClure Engineer – upgraded subsurface sewer system, installed on lake road.

- Documents Submitted: Abutter notification and legal ad
- Proposal to install new system which would tie into the existing sewer that would go into 2 tight tanks pumped to top of the hill. Over 50' from wetlands across street. Excavation for tank install (1-2 days) and pipe runs (4-5 days) within the Buffer Zone. Erosion controls on Lake Road. Work will be backfilled daily.
- Silt sacks in the storm drains in addition to silt fencing and straw bales recommended by GC. The old leach will be cleaned out and abandoned, and the existing tank crushed and filled as per Title V requirements. Brewery waste goes to the tight tank and hauled away. Domestic/sanitary waste from the building is for this system which is a 2000 gallon/day system.
- GC concerned with:
 - Protecting the storm drains, trench dug beyond erosion controls. Some work will occur within 200' Buffer Zone.
 - Concerned with construction traffic and its impacts on the pond across street. Applicant assured that the work will be done quickly and stabilized quickly and can put straw waddles and tracking material on farm road.

- Spoke with the BOH regarding the well inside the building, pumps out water that is contaminated with brewery waste. Hopes this system will help eliminate this issue. The well will still receive ground water from around the building. Don't know where the piping is and then will locate a ditch, but will have a contractor to locate it.
- Preliminary borings to determine the water table, haven't been done, just test bits have been taken. What is plan when you hit water? It's a seasonal issue. If you hit water, then you must alert ConCom. GC suggested putting in the OOC, that if water is hit, then present dewatering process plans at that time.

Motion to close the Public Hearing for DEP#300-893: DB 2nd: DG. Yea: 4 Ney: 0 Vote: All in favor. Discussion: to issue an OOC. Motion to accept plans dated 9.30.2013 with the appropriate OOC as mentioned above: DB 2nd : JK, Discussion none. Yea: 4 Ney: 0 Vote: All in favor

7:30 pm: NOI#300-888 Bluewave Capital Solar Project; Hare Road/Hobbs Brook Plaza; a continuation from 10/17/13

Attendees: Sam Moffett- TRC, Rob Jackson – TRC, Engineer; Anne Reitmayer – Bluewave; Art Allen, Ecotec, and Carl Hultgren, Quinn Engineering

- Bluewave (BW) has had a 3rd party review of the plans. BW received comments from Ecotec and Quinn in a timely manner.
- BW has then revised plans and drafted a detailed letter responding to Ecotec/Quinn's comments and questions.
- BW made modifications to project:
 - BW to eliminate array 3 from the program
 - Provided additional detail of the access road on the plan
 - Stream crossings: Stream 6 (Hobbs Brook) & Stream 7 – a new culvert feature in the wetland #1 and the array 5 area. This will accommodate for seasonal fluctuations. Water is preserved on the upstream side and will prevent blockage from potential beavers.
 - *Commissioners' comments and questions:*
 - Requested to address the Ecotec/Quinn letter
 - *Where is access road that's not on plan?* It's now shown in more detail; noting the erosion control devices used, added dimensions and elevations. Also added vehicle turnaround features on George Vinton Road. Access is required for construction via MA DOT maintenance facility that connects to Vinton Road. It's a gravel roadway and is adequate to meet construction vehicles. No upgrades required to accommodate the construction vehicles.
 - *Any alteration on road for construction?* No. The road will be stabilized as BW will installing cellular confining features on the road.
 - *Permanent access will be via Hare Road. What is the cleared distance of trees to the solar panels?* It will be done via selective clearing. The 100' industrial buffer zone is treed and would retain vegetated growth while removing tall trees (red maple) and put in short trees (red maple – then cut it down in 20 yrs.). *Don't understand the logic?* Art stated that the panels have 20-25 year lifespan then maybe the sapling won't be an issue or perhaps a better suitable species can be chosen now. GC needs a visual buffer; perhaps a year round evergreen tree would be better suited. A gate was proposed to control access to site. The easement for access has been negotiated by the owner, but BW is waiting for the owner's lender to give final approval.
 - *Cellular Defining Feature – what is it?* It's a steel material that you can put gravel or road material in between or backfill. It's a mesh, honeycomb material. It can be plowed over in winter. It would be located in the roadbed. *What is the process to install?* Minor stripping and removal of vegetation, but no significant soil is removed. Some saplings will need to be removed. Nothing will be removed from the ground, just level it. *Where will large pieces of asphalt go?* Typically don't want to remove anything from site, will put honeycomb directly over asphalt. Art feels 80-90% of road can be done this way. *Regarding the underground conduits under road, how do you access? Can you move them or keep them closer together?* This was addressed by BW on this new plan. The solar designer has developed a configuration placing them under George Vinton Road, but not further than 5' off road if needed. *Flood storage: are you reducing flood storage?* No, in this plan they eliminated grading in array area 1
 - Vernal pools and possible vernal pools are marked.
 - Footings for racks could be up to 10' deep. The majority of panels are at 5', but in potential flood plains or poor soils conditions they were deeper to prevent lift from heavy winds.
 - *Lighting?* There are no proposed lights on the plan.
 - *Audience questions:*
 - *John Zajack: If any panels are damaged are there any harmful chemicals released?* The panels specified are multi crystal and silicone, there are no metal chemicals. *What happens after 20 yrs. to the site?* The site will be decommissioned by the state. The money currently being set

aside will be used for removal of all materials (panels, road materials, fencing) and to restore the site to previous condition. The site is now riparian, forest and meadow. Four array areas. Total site area about 106 acres; will only alter 10 1/2 acres and the rest will be preserved in current condition. *Have there been any studies done to see if water chemistry changes with run off of water from panel?* The surface of the panel is glass and there is no need to clean the panels.

- BW will provide plans on CD, along with hard copy from tonight's meeting of this newly revised plan that hasn't been reviewed by Concom or Ecotec/Quinn. TRC will email a copy of the letters and the plan. GC will forward to Commissioners and to Ecotec. TRC will provide 4 hardcopy of plans.

- **Request for Continuation of the meeting on 11/21 at 7:30pm. Request granted.**

8:00 pm: NOI DEP#300-0892 – 328 The Trail, Lenny Jalbert, Jalbert Engineering c/o Rocco and Donna Falcone; Addition of deck, regrading and a retaining wall

- House will remain intact, work being done to raise the upper section. The stairs will be relocated.
- Driveway will stay "as is". House footprint will remain "as is".
- Small retaining wall overall height goes from approximately 3' ½" to 1'0" with grading that blends to grade. It's a versa lock wall. The bottom will be located 6" in the ground located on stone footings. A hay bale line will protect the shore line. Erosion controls will be tight against wall.
- Leach pit for stormwater infiltration: there were (3) test borings conducted. It contains a class 2 material (sandy loam) which can handle run off from the house to the pit, and there was no ledge to be found.
- Water table is about 5' down.
- The deck will use the existing wall for support.
- Town sewer is at this location.
- No trees are being removed.

Motion to close the Public Hearing and Issue an Order of Conditions based on the MA Wetlands Protection Act and the Town of Sturbridge Wetland Bylaw, at 328 The Trail with conditions as provided that the Versa lock wall installation will take place during drawdown: DB 2nd: DG. Discussion: None. Yea: 5 Nay: 0 Vote: All in favor.

8:15 pm 51 Technology Park Road DEP#300-771 Rick Para representing Dan Proudly, owner and Marc Meecham, the applicant – requesting an amendment

- Plan was approved in 2008 for a 100 x 200 building. Applicant is now proposing a 100' x 100' building in the same area. Pushed back from the road a little now. Originally designed not to have truck traffic, but now they will need access for anticipated truck activity, therefore there is a need for more space in rear of building. This plan would reduce the impervious area and removed some pavement from the original plan.
- The site is now served by town water. The stormwater management system is to remain as originally designed which is now 3% over than what is required to meet performance standards.
- Underground propane tanks to be installed. The parking lot will remain in the same area, but will be reconfigured a little. Nothing will be changing outside the original work limit line. There will be some blasting for construction. Some test pits for groundwater determined that it's about 30" below surface. No plan for de-watering at this time. Tanks will be installed 10' into the ground. Stainless steel tanks will be anchored so to eliminate any concern of shifting of the tank if it's placed in groundwater. The infiltration basin is still needed to handle run off from the parking area
- *Audience comments: none. Commission's comments, questions:*
 - GC – Planning Board review was able to move the water service to save a few trees. The main concern is the bottom of the detention basin and the wetlands just outside it. There is not much separation to ground water. *Will it infiltrate into the groundwater or a saturated basin that won't drain in the expected 72 hours?* A 4" pipe at the base of the basin. *Will we be draining groundwater constantly?* No, it's to control the flow of water from the surface of the ground above. Conducted test pits in the area, and it should be 2 – 2 ½ ' above the ground water. GC concerned that calculations don't add up. *How can we mitigate these concerns?* The water will go as designed on the plan. There is a maintenance plan in the master plans (reference: OMN appx. F, sheet 4).

Motion to close Public Hearing and to Issue an Order of Conditions, including considerations of GC as noted above, based on the MA Wetlands Protection Act and the Town of Sturbridge Wetland Bylaw for DEP#300-771 Picker Road Construction: DB 2nd: DG Discussion: Must obtain permits, erosion controls and install a detention basin infrastructure. To include in the OOC, that if ground water is hit, must notify the Commission. Yea: 5 Nay: 0 Vote: All in favor.

8:30pm 36 Mt. Dan Road, DEP#300-873 – Lenny Jalbert, Jalbert Engineering representing Dr. Stagias.

- Submitted plans for a 3 stall garage to ZBA. Met with the Town Planner and the Chair, both in consensus to location of garage and set back requirement. Both felt that that a special permit is not required.
- Proposed Plan: the telephone pole was to be relocated, install a 3 car garage within the required setbacks so no variances are required. One tree will be removed. This addition falls under the threshold of 15% of building coverage allowable requirement. Existing pavement to remain, however adding a little more pavement in front of garage.

Motion to close the Public Hearing and approve the minor amendment of Order Of Conditions of 36 MT Dan Rd, DEP#300-873 for the addition of a 2 story detached garage with an addition of a lid structure of the landscaped island: DB 2nd: EG Yea: 5 Nay: 0 Vote: All in favor.

Letter Permits:

- **128 Leadmine Pond, John Zajac – submitted pictures.** Request to remove tree hanging over driveway as he can no longer use the driveway because of falling limbs. Unable to trim. It is unhealthy and dying. Branches keep coming down. Tree still has thin canopy. Per JK, insect issues are killing the tree, pruning alone won't help it. It's located over 50' from lake. **OK to cut tree but plant two trees in any spot perhaps River Birch. Yea: 5 Nay: 0 All in favor.**
- **132 Leadmine Lane, Tony Crane – repair driveway and spread millings.** Per Greg Morse, the DEP uses these millings along shoulders. However, this is not a good time of year to do this work as it will spread around. The best time of year is during summer when it's hot and they can congeal. There is no concern with pollutants coming off the millings. A 20'x 26' area has been specified.
Motion approved grade/surface of drive providing that it was done under warm conditions and will a roller be used after depositing to firm it up: DB 2nd: EG Discussion: none. Yea: 5 Nay: 0 All in favor
- **70 Stallion Hill Road, Christopher Zafiris –** He is unable to appear tonight, commission may have concern with these trees coming down. Reschedule to next meeting.
- **8 Mt. Dan Road, Janice Liro – A tree removal request.** Damaged oak trees hanging over road and power lines, 2 hemlocks diseased and near cottage, 3 white pines are old and fragile which are in close proximity to the cottage and the road. Site visit occurred. EG feels that the oak should be removed, 2 hemlocks are dead and can be removed, and pine trees are fine and should remain. The stumps are to remain. **Consensus: all in favor.** Letter will be mailed to you.
- **20 Finley Road, Lenny Jalbert, Jalbert Engineering representing James Gerrish.** Nothing previously approved for the construction of the installation of a leach field with tank. Now reversing the leach field location, so the piping will be located along the side of the house. The old farmhouse will be torn down and a new house is being built. The pond is over 200' to back of the barn. GC feels its barley located near the 200' buffer zone, thus are no issues. **Motion to approve a negative determination issued on December 9, 2008 to include the new house location: DB 2nd: DG. Discussion: none. All in favor.**

New business: Emergency Certification:

- **31 S Shore Drive – Gary and Margaret Allard – discuss the Emergency Certification.**
 - EG: Complaint from Allard regarding Open Meeting Law will not be discussed this evening as it's with Legal.
 - EG: Any update on the Emergency Certification and letter that was sent to you?
 - GA: Mr. Allard said he was taken aback by these orders presented by the constable. Intent to remove beaver dam but contends DEP wouldn't allow it. Water elevation has remained stable. Allard said he cleared debris in front of the culvert. Mike Mocko reviewed and spoke with the Seguins about this as to how to resolve this? Allard presented letters and a report from his consultant to the commissioners for their review.
 - JK: Where did hay bale come from? Allard provided it and used it to stabilize the banking as per a request from board in March.
 - DG: Beavers using culvert to get to pond?
 - GA: Yes.
 - EG: Did you put or tell anyone that you put hay on the beaver dam?
 - GA: No, but did augment the back of the dam to open up the pipe. He just dug out culvert but did not build dam and the only hay he used was in this area. Feel that we need to address the water flow of Bertin's plan from the road run off and he will be bear the expense of putting in a culvert at the bottom of his driveway.
 - Discussion: various conversations taking place simultaneously.

- EG has serious concern with road washout/sink hole developing on the north side of the road. Concom has conferred with the BOH on the current situation. GC stated that there is no conclusion drawn as to who built the dam, beaver or otherwise. However any reasonable person would agree that the dam has moved therefore it's unstable and could move again.
- EG: Our concern is that churning of water will continue to eat away at the culvert and bank much like OSV issues.
- Allard feels it's not his responsibility to keep road or culvert open. Feels that he has fulfilled this order previously and now upset that he gets an emergency order. Allard has an engineering report to help resolve this issue.
- Both Concom and BOH felt the situation constitutes an emergency.
- DB feels that the commission needs time to digest the Mocko letter.
- GC feels that we need to keep the culvert open, and Allard's screen mesh is not suitable to do this.
- Discussion: Dave (John) Holdcraft – 44 Allen Rd, a neighbor. A letter was sent to board from Allard 2 wks. ago, Allard admitted that he was adding to the dam himself. Beavers are damaging the lake. This has been going on for 3 yrs.
- DB: Board has not recognized that beaver has damaged lake.
- DH: Seguins lost 4 trees this week to the beavers. Never had a problem over the last 30 yrs. Seguins and Holdcraft have kept culvert clear for many years. Beaver dam should be removed to keep culvert clear.
- EG: Difficultly lies in the fact that we don't want to drain the wetland, we want to protect resource area and to protect the lake. We are concerned with silting from the road
- Holdcraft wants to remove Allard's dam first, then you can release his two dams.
- GA: Hired environment consultant said water 2' above culvert is contained within 31 S. Shore Drive property. Water is contained on their property and doesn't affect Holdcraft's property. Allard gave the Commissioners permission to walk his property at any time to confirm the dam is not being saw cut.
- GC: BOH feels this is a hazard. The mesh screen that has been put up to try to keep culvert is inadequate. Feel the dam could move and block culvert and wash out road. Concom and BOH working together to elevate this hazard. Feels that the dam could shift and if the property owner won't do it voluntarily, then we need to go to enforcement level or court action. Need to act now. Suggest enough removal to keep culvert from being blocked.
- DB: Suggest to hold a public hearing with all parties involved to solve this problem. Solution should be a permanent fix not short term. GC will set up a meeting with ConCom, BOH, DEP, Allards, and Seguins on a Monday night and review Bertin's plan at the meeting.

Emergency Certification: OSV –request for commissioner signatures. Water draw down has started and is now low enough to start the grouting process. All signed the Emergency Certification to perform the work.

Enforcement:

Draper Woods DEP#300-592, Tim Reardon. No silt sacks in basins. No DEP sign. Commission hasn't received a plan for finished grading or drainage on these lots. DB feels that we can't remove the OOC since we still have silt running down the road and no progress has been made. Lot of water coming from drain pipe on south side of road and it hasn't rained for a while. Why? Need to find out. Landscape grading goes directly to road. Need a ditch or swale to contain stormwater so it won't cause a safety hazard onto draper woods road.

96 Allen Road DEP#300-881, John Elliot - GC made a site visit. They have finished grading on the south side of the house. Placed boulders there, and removed filter fabric. The hay bales that remain are not staked in place and must get a fence in. Russ Jennings will reinstall hay bales and filter fabric.

10 Whittemore Road – GC made a site visit. Good job in removing debris from buffer zone. Bret Soper should take a look at the site and continue with the cleanup. GC will draft a letter to Bret.

51 Wells Park Road, Sal Pizanno – GC made a site visit. Good job in cleaning out the wood chips in Riverfront Area (RFA). There are some remaining bits can wait until spring as he is away for the winter. Doug Smith can dispose of his dredged material at the corner of Wells Park and Library Lane. The Conservation Commission would not have concerns of erosion or damage to resource areas in that location

Forest cutting plan for 21 South Road, Rouse. 4 wetland crossings. GC and JK did site visit. No concern.

Agent report:

Tannery road – GC called DEP regarding work under a superseding OOC. Inspection was done by CERO who agreed with the bad erosion control. DEP-CERO issued him a notice of non-compliance.

120 Lane 10, South Pond – Beaver hut being removed Doug IZard and ATV traffic at the shore. GC reported to Fish and Wildlife. Emergency certificate work was previously done in that area by Wayne Zuidema and he was to refrain from ATV activity because it was causing damage and erosion into the lake. GC will address the removal of the beaver dam with Fish and Wildlife.

Yellow Trial – Lumber to build a small bridge brought in without a plan and permission. Non sanctioned trail work. Trails committee will address the situation.

3 Cherry Brook – Work has started. Contractor alerted to need to pay attention to work limit line.

248 Big Alum, #300-889, Parker– Inspected silt fence

272 Big Alum DEP#300-823 Joe Candelaria. A complaint that hay bales are on an abutter's property. The lot is in stable condition but want hay bales to stay until the spring growing season. GC will follow up on that neighbor.

Heins Farm – USDA inspected work done under the WHIP grant. DEP mowed WHIP field and will go up to brush hog the growth on the Stafford Pike Trail

4th Annual Winter Tree Scavenger Hunt – Hunt will start Nov 25th. Participants will take photos and email to Conservation Department. Winner will be drawn at the Jan 2nd Conservation Meeting.

New Conservation Clerk – Will be at next meeting.

Old Business:

None

A copy of tonight's meeting can be found on our Town's website or is available upon request via the Audio Department: 508.347.7267