

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, November 21, 2013
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 7:00 pm

Meeting Adjourned: 10:12 pm Motion: CM 2nd: DB Vote: Unanimous

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman **Members Absent:** None

David Barnicle (DB), Vice Chairman

Donna M. Grehl (DG)

Calvin Montigny (CM)

Joseph Kowalski (JK)

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk

Committee Updates:

- **CPA – (EG)**
 - Matching funds 90%; \$350,000 state money for town;
 - Plimpton property signed Purchase & Sale agreement: \$1.75 million
- **Trail Committee – (DG)**
 - Basic agreements discussed
 - Changes submitted for plans for Camp Robinson Caruso Area
 - Near agreement for game and wildlife regarding projected items for 2014
 - Nov 16th, at last volunteer meeting - worked on building, storage shed - other side of OSV parking lot
 - Trail to go alongside river; must get questions answered first but walkable but not suggested due to waste material dumped at turn of century.
 - Dam removal: moving ahead; out of state adds 2 yrs.; 60% plan not completed as must go to Sturbridge Boards review and fish and wildlife committees must review. Still all 3 coming down.
- **Lakes Advisory Committee – (EG)**
 - no meeting tonight however continuing w/ educational articles
 - Bob Briere found original voted and accepted Indian name for “Walker Pond”, this will be discussed at future mtg.

Walk-Ins:

3 Cherry Brook: OOC #300-837: Alfred Trifone Proposed 10'x10' ; one level; pressure treated deck; cantilevered over 5' work zone; located on 2nd story of existing house. Piers currently exist in ground.

Commissions' Comments, Concerns:

- *Property never followed plans as originally submitted; another example: just learning tonight of piers existing in ground which are not located on plan.*
- *Many violations on this property, over time. Last enforcement violation issued on April 4, 2013, has been since remedied w/ Paquett to remove debris.*
- *Surprised that house was built on a small, tight lot. Owners only have 5' of land around property. GC suggested this cantilevered deck maybe the only option for owner to enjoy outdoor use of property. Also suggested that perhaps a deed notation be made for any future owners.*
- *Cantilevering should not be made a common practice due to shading of lake may occur.*

MOTION: Must see deed restriction paperwork before voting on this change request: EG Vote: Yea: 4 Nay: 1

Newspaper Ads: (DG) Not reading them this evening.

Public Hearings:

7:15 pm: 93 Shore Road NOI#300-894;

Attendee: Lenny Jalbert, Jalbert Engineering c/o Timothy Bonin.

File Documents: Submitted certified notification to abutters and legal ad in newspaper for the file.

Reviewed proposed site plan:

- **Backstory:** years ago - a house with detached garage was turned down by ZBA and Con Com
- **Scope:** Remove existing structure (SF = Single Family House) with attached garage

- Remove circular drive, shed and evasive shrubs/plantings then loom/seed and add landscaping.
- Existing SF = 1850 Square Feet; Proposed SF structure = 1718 Square Feet
- Proposed structure can't be pushed back due to zoning regulation, but is within towns' bylaws of 50' set back to street; overall 25% reduction of size of proposed house, therefore a reduction of impact to area.
- **ZBA 11/20/13 Meeting:** At meeting, requested no variance with current plan. ZBA issued a negative determination.
- **Utilities:** Serviced by Town Sewer (E1System). Well located in cellar; not accessible. Requested permits for abandonment and relocation to be 50' from E1 pumps.
- **Frontage:** Timber retaining wall; structurally sound w/floating dock attached to wall.
- **Lot Specs:** Quarter acre lot (doesn't include the road). Private road. Monumented Lot – meaning that the property corners were set by pipes, then measurements are taken from these points.

Commissions' Comments, Concerns:

- *Site visit recommended. All agreed. GC to schedule working around holiday.*
- *Run Off issues. Same run off issues at Godin's (sp?) property.*
 - *Catch basin to easement into lake. Catch basin is functional but no part of property and no one is responsible to maintain. No association exists to maintain.*
 - *Lenny confirmed no erosion into the lake; as area is all grass.*
 - *4 corners were marked by Len prior to site visit.*

Lenny requested a continuation for the next meeting on 12/5 at 7:15pm. Request granted.

7:30 pm: Bluewave Capital Solar Project NOI#300-888; (continuation: 11/7/13)

Attendees: Sam Mallett- TRC, Rob Jackson - TRC, Eric Graber-Lopez – Bluewave, Anne Reitmaps – Bluewave, Erica Merritt – Bluewave, Carl Hultgren – Quinn Environmental, Arthur Allen - Ecotek

- Sam handed hard copy of letter emailed to the commission at 4:30pm this afternoon.
 - Update: Eric Lopez communicated to Commission - Planning Board meeting a few weeks ago, went very well. Since the 2012 selection by Town, Bluewave continues to develop a project on the land fill DOT site next to the highway. Both entities continue to move forward as partners, in this project.
 - Sam addressed letter from Echoteck regarding questions/concerns needing to be addressed.
 - 1st round of Questions: have been resolved previously.
 - 2nd round of Questions as per plan revisions dated 11/21/13: are still open; tonight an update on answers/solutions will be discussed using an updated electronic plan that was submitted to the Commission this afternoon at 4:30pm:
- Plan:** Realignment of lines; show more detail on outside culvert
Commissions' Comments and Concerns directed to Bluewave: *3-4 Commission members spent hours earlier in the week reviewing the latest plans. To get revised plans via email at 4:30 pm when the meeting is about 3 hours away is simply not enough time to have the Commission review the plans' changes. Bluewave noted this comment and will work to try to get the information sooner to the Commission. Concerned that plans keep changing although Commission has been told by Bluewave that all plans have been reviewed.*
 - Letter Comment #1:** Form 3 NOI submitted in August: Now includes impact numbers for project, initially left out.
 - Letter Comment #2:** Alternatives regarding Riverfront area on Site: Vinton Rd/Rt 20 ramp – least impact point of access to riverfront. Requesting DOT permission as access is difficult.
 - Letter Comment #3:** Wildlife Habitat Act: Analysis to be performed and subject to flooding. Results: scientific data pulled, mindful of resource areas (vernal pools), lift existing fences for wildlife eliminated some ray areas; wildlife has ability to move around.
 - Letter Comment #5:** Access Road design.
 - Request for more information – location and design & limits of disturbance of roadway. Refer to Plan C7 & C11.
 - Placement of erosion barriers
 - Using existing grade, cellular material and grass swale for sediment run off which meets bylaw under “manage stormwater” as per Karl. Refer to Plan C14.
 - Concern that more of the area will be disturbed. A 4' swale on each side of road will help solve the problem.
 - Confirmed that large trees won't be touched. Dave wants to see on plans, not on Order of Conditions. Ed is concerned that plans could be construed differently than intended.
 - Letter Comment #6:** Locations of erosion barriers. Addressed on plans inside area of disturbance.
 - May need to selectively cut (w/o stumping) trees. *Commission concerns:*
 - Trees are not delineated on the plan. Unfortunately, BW won't be able to make that determination until time of construction. All agree that trees cut will outweigh the carbons that this clean energy will create. Ed is concerned of a possible “Trojan horse”. Commission requested*

a delineation plan of all trees that will be cut along with exact location of straw bales (fka hay bales)

- ii. *How will the area remain cool, while opening space up to sun for the panels? Art Allen, shared the same concern with the Commission. BW will address on a plan*
- b. Facilities will be 100' away from all properties. Plan C18, addresses plantings plan and trees that will be cut. Commission must see on plan, all trees that will be cut along with exact location of straw bales (fka hay bales)
- c. Access around each Array (sp?): Room is available inside fence for maintenance purposes (grass cutting, repair/replace component of system)
- d. Vernal Pools: swale on each side. DG is concerned that there is a tight point (after 3rd covert) along the road that both sides of street can't contain swales, safely. Proposed solution: straw bales/silt fence combo on each side, will be notated on plan.
- g) **Letter Comment #7:** Straw bale/silt fence locations. Dave requested plans be modified so direction notes "no dug in straw bales", in an effort to reduce disturbance.
- h) **Letter Comment #10:** Landscaping. More detail added for tree removal criteria. Refer to Plan C18. Plan C7 shows access from Rt. 84 ramp. BW confirmed there is no proposed access at this time and will need to request more information for overhead lines near ramp. **Commissions' Comments, Concerns:**
 - a. *Ed concern with heat up in this area. BW stated that National Grid is responsible for 2 polies – outside scope of their work. Seeking easement and permit for this work. Ed concerned if NGrid will be able to clear easement.*
 - b. *Dave concern that if no easement is granted, then this entire project could be eliminated.*
 - c. *Eric feels there is no way to rectify this issue before construction process starts, but if Commission approves plan, then we agree to it.*
- i) **Letter Comment #2:** Sheet 9, 9A and 10: Hobbs Brook culvert, new proposed size is 36" (deemed adequate by engineer) vs. the existing size is 48".
- j) **Letter Comment #3:** Sheet 11: Stabilized construction in BZone; now moved it slightly to be outside of the BZone.

Due to time overage BW requested extension. Commission granted. Quinn's Letter with questions and concerns will be addressed at the next meeting, 12/5 from 7:30 – 8:30pm.

8:00 pm: 146 Lane Eight NOI#300-886; Lynn Eckhart. Request to amend an Order of Conditions. No update.

Old Business (GC):

Open Meeting Law complaint: G. Allard, 31 South Shore Drive. Response from Town Attorney.

- GC provided a copy of the drafted letter from the attorney. Complaint pertains to meetings held on 9.19.2013 and 10.3.2013. Commissioners Response: None. Commission Comments: None.

Motion to Approve draft letter to be sent: EG 2nd: DB Vote: Yea: 5 Nay: 0

Enforcement (GC):

Draper Woods (Lot 44), DEP#300-592; Tim Reardon. Failure to maintain erosion controls.

GC site visit revealed (ref to projected pictures):

- Good effort to stabilize site after many complaints
- Swale w/ stone and vegetation growing
- Thick mulch, hay laid, near dumpster
- Substantial filter fabric and Good control barrier
- Turf came in substantially; not totally stabilized and no Cert of Comp yet.

Comment: Lenny – no work has happened in last 2 months; only interior work scheduled through winter. No further construction to take place here until after winter.

96 Allen Road, DEP#300-881; John Elliot/Russ Jennings. Failure of erosion controls. Restoration of lake.

- Deteriorating straw bales; coming apart – not staked in
- Substantial turf growing
- Swale and Straw bales functioning at bottom
- Alongside road, good attempt to keep water away from driveway with slight berm; Previously approved final plan indicates a permanent berm at drive

10 Whitmore, Enforcement Order; Bret Sopor, not present. Violation cleaned up; continuing with cord wood clean-up of debris, stone and waste in the Buffer Zone.

31 Shore Drive, Gary and Margaret Allard, present. Combined response from ConCom and BOH to culvert concerns and work in RFA. Review of engineer's comments.

- Site visit today; culvert has a lot of debris built up
- Stream to lake – beavers started to build; yet clean cut branches are evident in this dam. Sink hole is now forming near culvert. See pictures dated 11.4.2013.
- Commission and BOH concerned that the dam will shift again and end up closer to the culvert; as the dam has previously moved 15'-20' earlier this summer.
- Neighbors held meeting and request dam removed. Allard hired an environmental consultant and findings resulted in "non – issue".
- BOH and Commission agree that action needs to be taken; as now a health issue.
 - Commission suggested GC to get a letter from BOH stating: Due to an emergency situation (a public health issue) where road drainage is now being affected, it is being requested the DPW to act so to protect silt from going into South Pond. Suggested installing filtered fabric on culvert and to disassemble and remove the existing beaver dam and all its debris as there has been no recent activity on it.

Conversation occurred between Allard, Dave Holdcraft and Linda Seagan discussing their concerns with the water flow issues. BOH gave an order previously but residents would like to see enforcement prior to next meeting. BOH gave notice to keep pathway open and they have complied.

Neighbors agreed to have a meeting to discuss a long-term plan. Allards are looking into installing beaver deceiver devices as they take care of existing issues, not future issues.

Note: Linda noted another beaver dam on the lakeside is now becoming an issue for drainage. Commission will do a site visit. Perhaps DPW can address both concerns at the same time, if deemed fit.

Motion to move forward with the letter suggested to the BOH: DB 2nd: DG Vote: Yea – 5; Nea – 0
Request for continuation at the next meeting, 12.5.2013. Request granted.

Note: due to current time being at 9:30pm, Board agreed to skip around the agenda; moved folks up who were waiting to speak.

Correspondence:

16 Birch Street, OOC #300-625; Joseph & Patricia Wondolowski. Request extension (1/10/2005)

Request to extend Order of Conditions referring to removal of existing house and rebuild a new house. Due to the State enacting an automatic 4 yr. extension, this case falls into that category. Therefore an automatic extension until January 10, 2015 was granted.

14 Birch Street, OOC#300-811; P. Wondolowski regarding work issued to Edward Seman, Jr. Complaint as nothing has been done to this property and now causing some flooding impacting 16 Birch Street.

- Owner passed away in April 2013; Father and sister are now assigned to this property.
- Presented pictures to Commission; showing nothing done about a planter. Jalbert Engineering recommended a while back to level planter to help with drainage, downspouts installed. Wood Berm put in place and swale created, however owner never acted, and problem was never solved.
- Letter to Commission requested to reinstate all Jalbert's original suggestions. GC spoke to owner after the site visit for which the dock was removed, owner removed some old wood, but deck was never completed. Letter received from Erin, the previous Conservation Agent, to the owner that the leaching pit was installed and inspected for the dry well/basin was in compliance.
- Commission requested GC to enquire with current owner:
 - Where does the roof water run off lead to? If a plan exists, Commission needs to reconfirm and coordinate all knowledge to end this run off from going into 16 Birch?
 - Is the 10x15 deck or raft water run off going into the lake?
- Forest cutting plan for New Boston Rd, Plimpton property, 180 acres w/2 wetland crossings

Letter Permits (GC):

70 Stallion Hill Rd, Christopher Zafiris. Tree removal; 7 trees. He cut trees and cleared brush that was too close to his house. Base rotting from trees. Commission did site visit and felt no problem with tree cutting; straight flush cut; however remaining trees must not be stumped. Mr. Zafiris left pictures of neighbor clear cutting his property. GC will follow up with this neighbor.

Requests for Certificate of Compliance (GC):

114 Leadmine Lane, DEP#300-891; Gerald Blake. Septic System Repair. Request for partial CO. Although install was done according to plan, and feels there is no potential for erosion, the OOC will remain open until grass appears growing and is stabilized over a full growing season.

4 Shumway Hill Rd, DEP#300-84; John Scott. Septic System Repair. As of 11.8.2013 inspection, totally vegetated and recommend CO. Commission agrees and signed off.

51 Tech Park Road: Amended Order of Conditions. Closed hearing.

195 Arnold Road, Highland Orchard: Issued an Order of Conditions. Closed hearing.

36 Mt. Dan Road: Amended Order of Conditions. Closed hearing.

20 Finley Road Trust: DOA closed hearing.

Emergency Certifications (GC):

- Old Sturbridge Village. Repairs to earthen dike and pond drawdown. Update: complication arose. Dam Safety (State Agency) is requesting more info. This will cause a 21 day delay. Only have until 11.30.13 to complete work on curtain wall. Commission agrees to the extension but if not granted we will institute a Plan B for this RDA on the curtain wall. Draw down is a concern if it occurs, it should be left down, although it's not the ideal situation.

DG excused herself from the meeting at 10pm.

Plimpton Meadows Cutting Plan, Commission approved the wetlands crossing. State Forrester is cutting 40%, leaving 60% but must follow slash law through the entire site. Not clear from information received as it doesn't appear to effect wild life.

Motion for GA to contact DiMaio for further explanation of plan: CM 2nd: DB Vote: Yea – 3 Nay – 0 Abstained - 1

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