

**STURBRIDGE CONSERVATION COMMISSION**  
**March 21, 2013**  
**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, Donna Grehl, Ed Goodwin, Calvin Montigny and Joseph Kowalski.

Members absent: None.

Also Present: Glenn Colburn, agent, Manny Paiva, Gillian Davies, Paul Duarte, Scott C. Hengen, Phil Lombardo, Randy E, Carol Goodwin, Elissa Gelfand, Ed Paquette and Christian Kruger.

Walk-ins:

Open Space Committee-discuss goals and objectives in Open Space Plan:

- Discussion amongst Open Space Committee members and the Commission regarding the Committee's goals, educating the public on open space issues, and getting the word out to the public regarding open space parcels in town, and publicizing the trail system on the conservation lands. CG emphasized that the Conservation Commission was the first line of protection for woodlands and water quality. The Open Space Committee requested the Conservation Commission to promote passive recreation opportunities, and to promote environmental awareness to both tourists and Sturbridge residents.

3 Cherry Brook Circle-Ed Paquette DEP #300-837:

- GC stated Ed Paquette requested a site visit to inspect the placement of hay bales in preparation for construction at 3 Cherry Brook Circle. GC stated that on arrival on 3/15 the hay bales/work limit line were not yet completed. The work limit line was not properly placed in accordance with the plan. The workers on site stated the large boulders on the property preventing the hay bales from being placed per the plan. GC instructed the workers to stop. GC stated that there was a violation of tree cutting in the riverfront. GC talked with EP by phone while on the site and requested EP attend the 3/21 meeting to discuss options for installing the work limit line through the boulders and debris. On 3/18 EP requested a second inspection. GC viewed the site and found the work limit was moved, but still did not conform to the plan. The limit line did not surround the building envelope as shown on the plan. GC suggested to the Commission that to clearly identify the allowed disturbance in the RFA monuments or boulders be placed along the limit line. This would serve to alert the contractor and all future owners to the limits of disturbance allowed in the RFA. The permanent markers should

be shown on the as-built plan required for the Certificate of Compliance. GC also recommended a deed notation to alert future owners to this limit line.

- EP stated the stumps were from the tree cutting during construction of the development and were pulled out with equipment.
- DB asked about mitigation plantings to replace the cut trees. DB asked about the stakes showing a garage. There is no garage shown on the plans. DB asked for a site visit by the Commission.
- EP stated he is proposing to remove piles of gravel, stone and stumps on the property.
- EG stated he would like to review the plan and go on a site visit.
- DG asked that the boundary line be marked.
- GC suggested that the work limit line be identified with permanent monuments and accurately described in a deed notation.

*Site visit scheduled for 3:00 p.m.this Monday.*

### **Public Hearings**

**7:30 Public Hearing:** NOI-DEP #300-879, 506 & 510 Main Street, Cumberland Farms (continued from 1/17/13). Demolition and expansion.

- Gillian Davies from BSC Group, Inc. discussed the stream on the property as being intermittent (light blue line shown on the current USGS map) and the condition of the site as it is now (21E site). GD discussed 3 possible alternatives as mitigation for the loss of bank on the property: 1. Two to one mitigation for the extension of pavement over a portion of the existing 30 linear foot bank and over 2 to 1 mitigation for the flood storage area. 2. The removal of a culvert and restoration of the stream channel at Hein's Farm. 3. A financial contribution of funds for restoration work on town conservation land or other suitable area.
- CM asked about where the snow storage would be on the property.
- Manny Paiva, the project manager for Cumberland Farms stated the snow storage area would be greatly reduced so any significant snow would be proposed to be hauled off site.
- The Commission discussed the issue of the existing culvert (36" to 24").
- GC stated his concern from the site visit today is the snow storage area. The existing snow is being plowed into the depression and stream. The debris from the 36" culvert is accumulating in front of the 24" culvert. GC suggested including cleanup of debris and litter on the property to be included in the maintenance plan. GC stated that he disagreed with the northern boundary stream stats that were discussed.
- GD stated she would look into the stream stats further.
- Discussion with PD regarding the stormceptor and the TSS removal which PD stated he will look further into the TSS removal percentage.

*The Commission voted 5/0 to continue the Public Hearing at the applicants request to April 18<sup>th</sup> @ 7:30 p.m.*

**Enforcement:**Walker Pond Road logging operation-Scott Hengen, owner and Christian Kruger, Forester.

- Scott Hengen, the homeowner stated the sequence of events of the 5 day logging operation on his property at 138 Walker Pond Road to the Commission which began February 25<sup>th</sup>, 2013.
- GC stated he received a couple of phone calls inquiring about the logging operation and he went out on a site visit. He found the landing area had been cleared, a tracking pad was in, but no permit was visible. The forester subsequently placed the sign in a visible location. GC received a call from DB on March 3<sup>rd</sup> with concerns that the operation was a mess. GC returned to the site. GC stated he viewed the landing with slash and the top of a pine tree that had gone beyond the stone wall into the BVW, the logging road was muddy but silt was not entering the wetland. The corduroy at the wetland crossing had not been completed in accordance with the cutting plan, and there were visible deep ruts and mud. GC stated he was also concerned with the crossing being 50'-60' wide, which seemed excessive. GC asked Doug Hutchinson, the State Forester his suggestions in how to resolve the issues.
- DH stated he went out to the site and coincidentally met GC there on March 4th, 2013 and viewed the same conditions as GC stated above. DH stated that the logger, Greg Hurley who is a subcontractor to Hull Forest Products, Inc. was informed to complete the corduroy up to the stone wall but GH stated to him that he ran out of material. However, in spite of the incomplete corduroy the operation continued. DH stated when conditions permit he suggested stabilizing the muddy areas, removing some slash, spreading a conservation mix and scattering hay over the area.
- Christian Kruger, a Licensed Forester for the project suggested when conditions allowed he could go in with a bulldozer and stabilize the area.
- DB stated the BMP have been violated because of ruts in the BVW and no work was to be done unless the conditions are dry, stable or frozen. DB asked DH if there will be any reprimand to GH.
- DH stated any reprimand to GH will depend on the outcome of this meeting tonight. DH explained to the Commission that the WHIP grant expired in mid-April and therefore that is why the logging operation took place when it did. In response to a question about the stream crossing DH stated two 20' sections of temporary bridging were used for the crossing.
- EG stated he is against using a bulldozer to stabilize.
- DB asked how much time would be necessary to rectify the issues.
- DH stated the NH&ESP period begins April 14<sup>th</sup> would prohibit use of heavy equipment until after November 1<sup>st</sup> for stabilizing the ruts.
- CK stated the areas out of the NH area could be rectified sooner.
- DB asked SH to call when any task is being done.

*Consensus by the Commission.*

## **OLD BUSINESS**

9 Audubon Way DEP #300-471 (The Preserve) Victor Matheson, Kim Jolie.  
Encroachment into conservation easement, letter sent.

- GC stated he sent a letter to the homeowner regarding encroachment into the easement which he hasn't received any response yet by the homeowner and recommended enforcement action be taken if there is no response forthcoming.

43 Old Mashapaug Road-Land donation to Conservation Commission.

- GC stated this is an FYI that Buddy Soper's offered donation of land at 43 Old Mashapaug Road to the Commission will soon be brought before the selectboard for acceptance.

## **NEW BUSINESS**

### **Letter Permits**

Michael's @ Hobbs Brook:

- GC stated this letter permit is a proposal to put in a new compactor within the 100' in the existing parking lot at Hobbs Brook with site drainage maintained. GC stated they are proposing to replace the existing asphalt with 8" concrete pads which will be on the same grade as what is there now.
- EG suggested no excess cement.
- DB suggested that cleanliness of the area be part of the Letter Permit.

*Consensus by the Commission to approve.*

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

DEP #300-848 90 McGargle Rd. (waiting for favorable ground conditions to view site).

### **Correspondence**

290 Leadmine Road, Thomas Hitchcock-Tree from conservation land has fallen onto Hitchcock property:

- GC stated a tree from conservation land has landed on the property at 290 Leadmine Road which the homeowner has asked that the Commission to remove. GC stated there is a Trails work day on April 13<sup>th</sup> that as part of the work day he can remove the tree.

### **Invasive Plant Certification Program:**

- JK stated he and CM would like to attend an Invasive Plant Certification Program at UMass and is asking for the Conservation Department to approve paying for tuition of \$75.00 for each of the four classes.
- GC stated there are funds in the tuition reimbursement account.
- EG suggested sending a note to the TA.

*Consensus by the Commission to approve the tuition reimbursement.*

## **SITE VISIT SCHEDULE**

MassBroadband 123-View New Boston Rd. at I-90 overpass for installation of fiber optic cable in underground conduit:

- Discussion regarding installation of fiber optic cable at the New Boston Road at the I-90 overpass. Members will view the site on their own.

Trail Walk & discussion:

*Postponed until the April 4<sup>th</sup>, 2013 Conservation meeting.*

Approval of Minutes: 2/7/13 and 3/7/13:

**MOTION:** By DB, seconded by CM to approve the 2/7/13 minutes as written  
**Vote: 3/0/2 abstentions by EG and DG.**

**MOTION:** By JK, seconded by CM to approve the 3/7/13 minutes.

- DB stated that the Commission never asked for mitigation regarding the tree removal at 136 Lake Road.
- GC suggested asking for a replacement of the tree that was removed.

**Vote: 5/0.**

**MOTION:** By CM, seconded by EG to adjourn @ 9:55 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.**