

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, September 9, 2013
Sturbridge Center Office Building, 2nd Floor**

Meeting Commenced: 7:00 pm

Meeting Adjourned: 11:10 pm

Quorum Check: Confirmed

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

Members Absent: None

Others Present: Glenn Colburn, Conservation Agent

Committee Updates:

- **CPA:** hasn't met yet
- **Trail Committee:** not met; meeting this Thurs
- **Lakes Advisory Committee:** not met

Walk-Ins:

Seth LaJoy, LaJoy Associates, Mr. Jennings, 96 Allen Rd c/o John Elliot.

- **Water:** Plans handed out; working to fix a bad situation with straw bales, dike.
 - Proposing stone retaining wall during construction with a 3:1 slope.
 - Crushed stone berm along Allen Road to keep water away from site, which will become a permanent asphalt berm.
 - 6" rift raft over the drive.
 - 500 gal leach pit w/3 chambers for roof run off calculations based on 6" of water dumped on roof. 500 gal pit on site ready to go. 1" = 1500 gal water. 2-3 laborers to work with floating boom; cement working left to right and giving time to dry. Waiting in water, out about 27' from shore; found it to be clear when walking out along northern area – most species found: Fragrant Water Lilly, Pricker Weed and first time he's seen European Watercress (invasive) in this area. 4" of sediment. Leaf layer was consistently flat of organic matter therefore rake would work. Leaf litter at 27' out. Would leave root systems in the bottom and could cut if Commission approved. Clean up would like to start soon as it's getting colder.
 - Boulder Wall: multi-purpose; dry wall, large rocks hold material back by deck. Tight wall, not wrap wall, 3 ¾' height, boulders vary in size 2'-3'; 115-120' from lake at point. Purpose to lessen slope.
 - There is a separate roof drain in place to work with newly installed gutters, not shown on plan currently.

Motion (regarding with waterfront) to approve proposal, Commission will allow cutting of species in water and can use pontoon boat with planks. EG: 2nd DB. Voted: Yay: 5 Nay: 0

Motion (regarding to approve revised plan) to approve that work must start at resource and work way up, stone wall and removal of excess sand, additional leaching pits, clean the lake: CM 2nd: DB. Voted: Yay 5 Nay 0

Note: DB is concern with approving a spontaneous plan. Not sure some suggestions will work. DB is very concerned with this entire project since nothing is stable on that site. Voted all in favor.

Commission Questions, Concerns:

- DB suggested to work project in phases. Start at water level work in house and work up.
- Contractor will provide a plan regarding the infiltrators and mitigation report at next meeting.
- Continue with next concom meeting in 10 days 9/23/13).
- JK wants to mention kudos to this team as to their attention and turnaround time with this project as it's not often seen from various contractors the Commission has dealt with in the past.

Public Hearings:

7:30 pm: RDA – Sturbridge Retirement Cooperative c/o Paul Hatch

- Scope: work in the 200' buffer zone to install sewer force main and electric conduit.
- CM and JK recused themselves from meeting; as both have done work for directly for this client
- Direct drilling for pipeline (on Pine Ave) passes wetlands, first pit in Pine Ave, no open excavation work will take place. Openings at drill pit, backfilled, paved with man hole covers (for grinder pumps), located in the street to remain as a slurry at the work site. 8'x16', 5' deep is size of pit. All soil is Title v sand.
- Project timeline: appx week.

Motion: DB to close public hearing without any public comment. 2nd DG. Voted Yay: 3 Nay: 0

Motion: DB to move project as presented with GC's recommendation: Positive determination (#1 for area: subject to protection under the act and positive #5 is the area and work subject to the bylaw) negative determinate #3 (work in request w/in buffer zone, no NOI needed, subject to work and plan as noted on plan signed by Paul Hatch and dated 7/9/13): 2nd DG: Voted Yay: 3 Nay: 0

7:45 pm: RDA 9 Cove Drive, Leonard Jalbert, Jalbert Engineering c/o David & Ada Fitzgerald

- Scope: work in the buffer zone to reconstruct a garage.
- RDA work is subject to wetlands bylaw outside the buffer zone.
- Lenny Jalbert, would like to submit new drawing of site visit the day; provided at meeting.
- Len Jalbert: Submit certified abutters list and legal ad in paper.
- Commissions' comments, concerns:
 - Trees: (6) diseased (1) dead tree; and would like to remove. Concern of erosion control, request to extend. Request replacement of trees; however LJ concerned with location of trees. Request some plantings so for regeneration of those plantings that have been removed.
 - New plan: Add more plantings to the plan for 9/19 meeting.

Motion: for a continuation of plan amended CM 2nd DB

8:00 pm: NOI DEP#300-872, 62 Mt. Dan Rd, Daniel and Shannon St. Onge; Keith Laveck, Pioneer Environmental; Don Fredricke, Sherman and Fredrick Engineering; Ken Peekoi, Contractor/Developer

- Scope: request to amend OOC issued last year. Change in plans with work area now in 25' of buffer zone.
- Review plan from last October and looking at re-grading system.
- expanded the impervious patio towards the lake, that doesn't encroach into the 25' buffer zone as it did in the original plan. The 3' ht landscaped wall is 1' within the 25' buffer zone.
- Commissions' Comments, Concerns:
 - Water run-off into neighbor's yard

- Discussion of erosion issues and grading near the garage regarding the water flowage. A direct abutter spoke, as she was concerned on stabilization. However, she noted that no real run off occurred in her yard from the heavy rains last week. Regarding the road, abutter hasn't noticed any spread out of water and swale seems to be doing its job.
- Commission will do a site visit before the next meeting.

Motion: Continuation for next meeting on 9/19 EG DB 2nd. Voted Yay: 5 Nay: 0

8:15 pm: NOI (Bylaw only) Laurel Woods (off Cedar Street), Andy Cormier, Escape Estates – re-design of detention basin. Planning board conditional approval based on Commission's review. Revisions per GC:

- Addition of an outlet structure; graded at top, similar to proposed.
- 12" culvert recommended; was originally 8"
- Spreader

Concerned with methodology with rain flow. Emergency spill way. A Maintenance Plan will be put in place at time of construction, and maintained by Escape Estates during construction, then it will be continuous for highway department to maintain once construction complete. GC read Greg Morse, DPW comments on clogging, drainage & signage. Discussed all information with Planning Board. GC recommendation for lots that this culvert is located behind, that there is a deed notation to the abutters, which was also discussed at Planning Board. Comments made by neighbors on this street that have yard and basement flooding; no increase in water with this design.

Motion: to close EG 2nd DB. Motion to approve revision on newest plan along with GC comments DB: 2nd CM; Voted Yay: 5 Nay: 0

8:30 pm: NOI DEP #300-887, 84A Paradise Lane, Rick Para, Para Land Surveying c/o Mooney

- Scope: Raise and rebuild SFH. Remove existing house and replace with a new single family home; Special permit issued by ZBA.
- Footprint will remain the same.
- Overall impervious area is less.
- Add'l landscaping, plantings as a dirt area now.
- Sump pump discharge to outside North East corner outside Buffer Zone.
- Reviewed planting plan.
- Driveway will remain gravel.

Motion to close meeting: EG, 2nd DG; Motion to accept revised plan DB 2nd DG; Voted Yay: 5 Nay: 0

8:45 pm: NOI DEP #300-885, 324 The Trail, Kate Bednez, Forestry Scientist; Richard Laveque Associates c/o Matthew Kibbe (cont. from 8/15)

- Scope: Addition to Single Family House (SFH)
- Kate and Commission made a previous site visit, then took comments and applied to revised plan. Revisions made:
 - 1) Stockpile materials: not a longtime solution but provision made on plan with straw bale due to pavement.
 - 2) Small deviation from plans re: small deck area – stairs moved on plan now
 - 3) Roof run off/drainage via subsurface collection and redirected dry wells. Dry wells not on plan so to leave some flexibility as they may use them or they may use the abandoned septic system or install French Drain.

Commission Questions: Is the old septic system contaminated (8 yrs. old)? Was old tank either crushed and/or filled. Black tubular pipe from side of house – no one is sure what it is? Note: #11 – geothermal wells, not located on plan yet (but is between work

areas) as engineering hasn't been completed at this time. Confirmed it will be outside the 100' buffer zone but within 200' buffer zone.

Lead-time: contractor said if started this fall, enclose it and do work over the winter and may not loose summer.

Timeframe on geothermal project: goal as ecofriendly. Government refunds 30%. 4 geothermal properties on lake currently.

Move to close DB: 2nd DG. Voted Yay: 5 Nay: 0

Motion to approve modifications to plan: 1) dry well, 2) old leach or 3) French drain and that the Commission must be made aware of locations of drywells and geo facto wells prior to any construction as per DB 2nd JK. Voted Yay: 5 Nay: 0

9:00 pm: NOI DEP #300-841, 94 Paradise Lane, Peppel (cont. from 8/15)

- Scope: landscaping in 25' buffer zone
- Review plan.

9:15 pm: NOI DEP #300-886, 146 Lane Eight, Mark Ferrell, Green Hill; Louis Phazen; Lynn Eckhart (cont. from 8/15)

- Scope: raise camp, add deck and stairs
- Site walk, reviewed building.
- Elevation of lake: 2' AFF. 100 yr. flood elevation is 605' & 602.91' AFF 2 feet plus structure below... has flooded in the past. Wick was 8"-10".
- Not using any equipment that may get compromised during a flood.
- Under camp has series of piers, using hand jacks to raise it about 1'. No real heavy equipment.
- Concrete will be the supporting structure once raised. Foundation remains and new concrete piers (not wood beams as investigated) will be used on the existing foundation.
- No work in the lake bed.
- Cantilever deck extended below existing building. 6'x 22' Deck will hang over the water. Additional steps: 2 – 3 steps will be solid large stone pieces.

Commission's Comments/Concerns:

- What's under deck now; concern that existing habitat won't survive due to shading w/deck. Those grasses appear to be 20'-30' away from building. Solution: ½" gaps between boards to allow sunlight to penetrate. Most sun is coming from west.
- What is now proposed to do on beach with established growth in front of deck? No real place to swim in front of deck, no intention to remove weeds, grasses as there is another beach located and used down the shore.
- What will occur if lake is low? The ramp/floating dock will be on wheels. So if floats up. The ramp will move with the water level as rises and lowers.
- How is the lumber and men getting to work site? Carried down or bring on pontoon boat, now on beach and killing grasses etc. Concern that refrigerator, paint, food, cleaning supplies etc. will be washed into the lake since building base is already being proposed to build below flood elevation. Could the building be raised up a few feet? Owner is concerned with the aesthetics of what it will look like if raised up.
- Concern that no real definitive plan on the future of the deck. Concern with building into 25' recess area. GC agrees with all said above allowing extra work in a resource area, but is concerned of this evolution of boat house (in this case), started as a single boat, then became a double boat house, then a screened in porch is added and now it's a cottage. Concern with now becoming a year round home and where does the request for improvements end?

Motion to close public hearing: DB 2nd: DG. Motion to close hearing EG: 2nd: DB. Voted Yay: 5 Nay: 0

Motion to approve and to accept current plan with the exception of the cantilevered deck/landing DB: 2nd: JK. Discussion: we can't discuss floating dock, not within Commission's jurisdiction as it's up to BOS. Voted Yay: 4 Nay: 1

Old Business:

- **Meeting Minutes – August 15, 2013: Approved**

Enforcement

- **43 Draper Woods, Ryan LaFortune:**

- Sill fence installed and looks good as of today; good condition with one spot needed more reinforcement. After recent heavy rains; Lenny Jalbert, c/o Reardon; it worked out good, but can't cure run off of Clark Road from going onto the property due to lack of drainage. Controlled within site via hay bales, but not controlled from off site. Lot 31 controlled by riff raft and goes to catch basins. Reardon will add more stone to South side to correct. Catch basins have silt bags.
- Siltation Beds: Commission has requested written notification from Jalbert that they are being maintained and cleaned frequently. The mysterious white pipe from side of house is a perimeter drain on site #31 and is working properly.

Issued Partial Certificate of Compliance due to it being the sole house in entire development.

- **10 Whittemore:**

- Started to pull back debris, could pull back more,
- No soil yet, lot of wood chips, logs
- GC to follow up with Soper Construction. Once satisfied, he will have him do a seed mix to help slopes.

Requests for Certificate of Compliance:

- **176 Podunk Road, Thomas Buell – DEP #300-820;** GC no chance to look at; CO - on hold till site visit
- **43 Draper Woods Road, Ryan LaFortune;** looking to put in shed to remove dead tree; Commissioners signed off on partial certificate due to it being the sole house in the development. No stumping to be added into Order of conditions.
- **14 Birch Street, E. Seman – DEP #300-811** (on hold)
- **149 Charlton Road, Stop & Shop (VHB) – DEP #300-849** (Spring 2014)- Certificate of Compliance on hold, till spring

Letter Permits

- **16 Mt. Dan Road, Debbie Weber**

- Tree Removal (5 trees); marked on site. (2) dead to be removed near shore line; (2) large and (1) small live; but unhealthy dying trees which are located along roadside. These trees are not being removed for view of water or to enlarge yard; upper (2) trees unhealthy; recommend replacement of (1) trees
- A SOP of Commission is a 2:1 tree replacement (2 go up for every 1 that goes down) Commission approved 2 dead trees to be removed. Motion to remove 5 trees with a 1:1 replace for 3 partially unhealthy trees. Remove the 2 dead trees and replace with 1 new tree going down by the water if appropriate, if not the tree can be planted further back from the water. No root movement, no stumping or grinding of stumps as all must

be left intact. FYI: 10 Mt. Dan neighbor is looking to do same at next meeting ... sight visit by Commission.

- **43 Draper Woods Rd, Ryan LaFortune:**

- Tree Removal of 1 dead tree; leaning into his yard, concern of its safety. To leave stump as not in his yard – add to Order of Conditions.

- **Outdoor World campground, Mashapaug Road**

- Scope: Clean and rake beach. Clean and rake shore line. Asked permission to clean debris in swim area and clean up shore done by hand (no machine). Concern that dead leaves, muck to be removed. Request that work be done at lowest level of water typical for that area. To gather more info.

Commission Comments/Questions: Does the water fluctuate in winter, may want add into Order of Conditions so work is done at lowest level of water. What is the entire scope? Donna to make site visit later this week. Concern with magnitude of scope of work.

- **107 Shore Road, Kimberly Hicks-Moran**

- Scope: Roofing and Siding to house in Buffer Zone. Metal roof possibly over asphalt shingles, vinyl siding 45-50' from shore. Assume there will be equipment to get materials to structure. Need to get more info if new product going over existing roof. Request for more information per DG, DB. GC to follow up with applicant.

Lakes testing results: (2nd round of Sat) pass to Dave Mitchell working on to get on website. Lycott environment commission update:

- Walker pond – treating for water shield and pond lilies. Can we get a specific location of these species from Lycott. Commission looking for map, why being done and what are they using to treat. New species that they are treating. GC to follow up.

Burgess Elementary School: erosion controls, most can be removed. One area (lower field; right field foul line) needs more seeding

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