

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, December 5, 2013  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

**Meeting Called to Order: 7:03 pm**

**Meeting Adjourned: 11:26 pm      Motion: EG      2<sup>nd</sup>: DG      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

**Newspaper Ads and Conservation Commission Mission Statement:** (DG) read Commission's mission statement. Newspaper ads – not read.

**Committee Updates: Not addressed due to the late hour of the meeting**

- CPA – (EG)
- Trail Committee – (DG)
- Lakes Advisory Committee – (EG)

**Approval of Minutes: No addressed due to the late hour of the meeting**

**Walk-Ins: James DiMaio:** Answer a few questions on Plimpton Cutting Plan. Note: Joe K recused himself.

- 328 acre parcel, cutting 180 acres as hasn't been done in 70-80 yrs. No clear cutting, reserving large oak trees; thinning areas around the habitat. All wet land, streams and depression areas are flagged with blue paint. Vernal pool experts checked the land. Land is targeted trust land.

**Commissions' Comments, Concerns:**

- DB: why so much cut on small parcel?
- EG: What areas will be cut?
- CM: What is Basil area per acre? Varies per area 40-50% and 70-90%. Two types of cutting will be occurring in plan:
  - commercial thinning 120 ac
  - early sustation habitat of 60 areas = 10 acres

**MOTION: To accept the forest cutting plan for Plimpton property: DG 2<sup>nd</sup>:DB Discussion: None. Vote: Yea: 2 Ney: 2, Not passed.**

CM would like to request of DiMaio:

- a full plan, although a 7x11 plan is the mandated size as per the State guideline; they won't accept a larger plan.
- site visit
- plan to show elevation differences, show distance to water/vernal pools resources etc.) as not detailed on plan. Regardless that all trees are marked in the field, it's not a plan – a concern for CM.

**Appeal Process:** DiMaio enquired as to the process and next steps. EG stated that all appeals must go through the court system, as the town has their own bylaws.

**Public Hearings:**

**7:15 pm: 93 Shore Road NOI#300-894; Attendee:** Lenny Jalbert, Jalbert Engineering c/o Timothy Bonin.

- Site visit the other day by Jalbert. 3 issues have been addressed: drain & pump system, paved berm and the drip edge.

**Motion: To close public hearing: DB 2<sup>nd</sup>:CM Vote: 5 Yea, 0 Nay.**

**Motion: To pass the NOI #300-894 as described and understood to raze and build a new SF: DB; 2<sup>nd</sup>: CM Vote: Yea: 5 Ney: 0**

**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 - Ecotec

- New plans submitted (per GC minor changes to 6 pgs of the 18 pgs); here to answer Commission’s questions.
  - GC: Control Structures: The maintenance plan includes in the operational plan. Separate doc was submitted to GC a few weeks ago.
  - GC: Trench width for conduits: 1’6” can vary based on equipment (anticipated standard bucket width). This max. size will be added to OOC. Commission wants noted on plans too.
  - CG: Array #1: What are the piles? They are currently existing at the site.
  - CG: Selected vegetation removal: any criteria used to determine? See sheet 18 – landscaping plan. Notes identify the criteria. Art recommended trees to be marked for commission to review prior to cutting. Pruning won’t be done. EG noted that: cutting within 50’ Buffer Zone – selective clearing, no grading and no stumping.
  - DG: any additional questions from Art re: shading issue? Art has no concern.
  - EG: road discussion: wants to see less berm, thin road and TSS removal.
  - Discussion: Carl Hogan; swale concept. Swale was incorporated; mindful of vernal pools and resource areas, but can’t make a TSS determination if swales are in place or removed as to the impact as no baseline exists yet.
  - DB: Heat discharges, water won’t be sheet flow into resource areas. Regarding the maintenance plan: any direction on “concrete surfaces”. No maintenance required there.
  - DG: 12’, 13’, 14’ – varied road design, why? Per planning board and zoning requests: needing a turn-around area; 15’ = safety concern; 12’ section= bare minimum. Need parking when maintaining and the electrical conduit runs along at 2 interconnected points
  - DB: SD1 and SD2: Are they part of maintenance plan? No, Don’t need any maintenance.
  - EG: C14 plan – Hobbs Brook Culvert: control structure. Max. water ht is 1’ below road surface. BWave suggested a pad lock; (lock is then the property owner responsibility) on the grate so it can’t drain that wetland. EG concerned since DOT is property owner and they are in violation of wetlands protection act as they open grate & drain it often. Fire Dept should also have a key.
  - DB: Solar panels last 25 yrs but the sealant doesn’t last that long. Will BWave check for leaking? Yes.
  - EG: C14 plan – (#7) 2 existing 15” culverts = (1) 24” culvert at 579’ elevation. Yes.
  - GC: trench in special conditions: add to construction notes on pg 12. Pg 15 – note #12 good note, but who is monitoring it? Construction engineer will be. GC recommend a 3<sup>rd</sup> party to monitor site while under construction. BWave noted that per EPA requirements, sign off is required periodically by the construction engineer. BWave would proposed TRC to do this, as they are familiar with the project and will know what to look for. This is a “special condition” w/ qualified inspectors and SWIT reports. Commission to be copied on those reports.
  - Lead-time of project: 14 – 16 wks
  - DB: #13 can we change “wash out concrete trucks” wording on plan as don’t want debris left behind. Need a name of who is responsible for overseeing this so it’s avoided at the site.
  - DB: #16 “red diamond” what is the size? Minimal size. BWave to defer to contractor to do so as a submittal, not on BWave plans. To submit to commission.
  - EG: Ngrid (2interconnections): array #5 & near Rt. 20 ramp): What is BWave control scope? Not within BWave to control how Ngrid constructs 2 poles to be installed. They don’t clear, they cut path of canopy and not shown on any plan; DB concerned. BW not responsible for their SOP with this matter.
  - EG: suggested a continuation to next meeting, want to see a final plan prior to next meeting.
  - BWave can cover additional expense of Art’s time and do some more work on final go around.
  - BW concern with a project delay as it may impede upon a national funding cap
  - New plan to show:
    - No berms, w/in 50’ BZ change all around plan; moved back in, swales (not off) plan and all discussed changes during meeting and as noted above.

**BW requests to close public hearing;**

**Motion Pub hearing closed for #300-888 for Blue Wave Capital continued of meeting on 11/17: DB. 2<sup>nd</sup>: CM Vote: Yea: 5 Ney: 0**

**Motion: Propose accepting proposal as modified on plans dated 12/5 and commentary on 12/5 via taped meeting (as located on the town’s website for public viewing) for items in question: DB 2<sup>nd</sup>: CM Discussion: none. Vote: 4 Yea; 1 Ney. BW to review tape to get all information discussed at this meeting onto a final plan.**

**8:00 pm: 146 Lane Eight NOI#300-886; Lynn Eckhert and Carl Neilson. Request to amend an Order of Conditions.**

2 aspects: DEP – small piers, docks and deck and simplified water slicing to get a special permit (chapt 91 lic). Should have been submitted as a “limited project”: 6’x 20’ deck; seasonal dock off deck. GC has no questions. Footprint pilings below water mark. Deck cantilevered. Egress from two doors for safety. Planning board suggested stairs.

**Motion to approve: OOC #300-866, 146 lane 8 and associated plan as given: DB; 2<sup>nd</sup>: CM Vote: Yea: 4 Ney: 1** Discussion: DG concern with 2<sup>nd</sup> stairs, but Neilson stated that it’s a chapter 91 issue. DB noted that it’s not a unique situation.

**8:30 pm: OCC# 300-892; 328 The Trail, Lenny Jalbert, Jalbert Engineering c/o Rocco Falcone.** Request to amend OOC. Scope: Building kd’d to foundation and rebuilt from foundation up due to mold inhabiting the first floor which was initial going to remain.

- Submitted legal notice in newspaper and certified abutters list – presented to GC.
- New sonitubes – deck, stairs and access into house now shown in it’s entirety on plan.
- Raise floor up 2’ for utilities; add concrete block to existing foundation.
- Sheds to remain; within 25’ work zone.
- Plantings are noted in the planting schedule.

**Motion to close public hearing: DB 2<sup>nd</sup>: CM Vote: Yea: 5 Ney: 0 Discussion: none**

**Motion to approve with the corrected plan: DB 2<sup>nd</sup>: CM Vote: Yea: 5 Ney: 0 Discussion: none**

**OOC #300-883; 110 Westwood Dr, James D’Andrea and Jenna Elmore, Elmore Realty Services & Contractor.** Amend OOC; replace retaining wall that collapsed. Scope: retaining wall to lakeside or place. Wall had an existing negative slope and didn’t survive the repair. Not an emergency, but had to remove wall so no to impede any safety issue and put a boulder wall to help the current situation. Requesting an amendment as the type of wall was never originally specified.

Commission Questions, Concerns:

- DB: concerned that boulders just placed into existing soil without a filter fabric behind it, therefore the material will migrate and rocks will shift.
- EG: wished that work had stopped when they initially ran into the problem in order to prevent mud running into the lake. GC: not an enormous erosion concern.
- Site condition: erosion controls are lacking a bit; catch basin’s not protected but it was addressed ASAP. May want to move existing erosion control by road back a bit. Using a fabric filter will help with overall erosion. Drains run right into the lake. Suggested crushed stone/pea stone be used to help with tire mud and vehicles sinking into mud. Helps prevent tracking mud into the road and straw waddles. May need to revisit the site. Recommended wood chips to help site remain stable.

**Approved the above mentioned discussion. Vote: Yea: 5 Ney: 0**

#### **Enforcement**

- **31 South Shore Drive, Emergency Certification:** Gary and Margaret Allard, present. Linda Cocalis, BOH Committee Chairperson. Combined response from Commission and BOH to culvert concerns and work in RFA. Review of engineer’s comments.
  - BOH reissued order at their meeting on Dec 2, 2013 (reference letter dated Dec 3, 2013) that the DEP will not work on this property. Emergency Certification was drafted and goes into effect today.
  - 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.
  - Discussion occurred between Allard and Commission on the process; he was very confused and has received mixed messages between BOH and Conservation. EG reminded Allard that at the last meeting, Conservation voted to ask the town to remove the dam. We have received word, as now being discussed at this evening, that the Town will not participate in the dam removal on Allard’s property.
  - Conversation occurred between Allard, Linda Cocalis, discussing this issue as having been on-going from last year. BOH now must request the dam be removed. Also there is concern for a blue-green (toxic to wildlife) algae that is starting to populate the lake in this area. Road flooding and power loss has occurred because of the beavers. Fish and Wildlife can pull a permit to deal with the beavers.
  - Further concern was expressed by Dave Holdcraft and Linda Seagan with the water flow issues affecting their properties. A maintenance program was requested by Seagan to be implemented moving forward; however DB reminded Ms. Seagan that she must mention this when the Allards are present.

**Motion to move forward with the emergency certification letter as per the BOH’s order, containing the following special conditions for the Allard’s to proceed effective this evening and commencing on December 9th: slowly remove appx. 3” – 6”**

of the beaver dam by hand on a daily basis, all debris to be removed off site, refrain from working in the wetlands areas and no motorized equipment is allowed to remove dam or around the affected area, so to allow water to flow, unobstructed.

- **Draper Woods, DEP #300-592; Tim Reardon** GC continues to monitor the work at the site
- **96 Allen Road, DEP #300-881 John Elliot/Russ Jennings** GC will follow up on Monday.
- **2 Harding Road, Joseph Barry** New enforcement order as failed to installed erosion controls; straw bales.

**Letter Permits (GC):**

**120 Lane Ten, Doug Vizard** Brush and Debris Management with burning. Per Mr. Vizard, annual burning (controlled burn) has been occurring on this land over the past 100 years; limited to a burning pit staged by cinder blocks. GC showed evidence of ATV tracks, former beaver lodge. GC's concern:

- Area of concern is the burning that's occurring within 200' of the lake and it's habitat
- Concern that it's being over managed which is causing more harm than good

Discussion between Vizard and Commission:

- Vizard said pictures shown are not his land
- ATV is really a UTV (utility terrain vehicle that is used for maintenance, not recreation as is an ATV).
- He monitors the entire peninsula
- Claims beavers have cleared the brush away
- He agreed to notify anyone using an ATV, that there should be no ATV activity in this area or it will need to be reported to the Lake Association.
- Commission agreed that it's ok, to cut the dead tree shown, but can't continue the way it's currently being done.
- Only maintain 10% or 50', whichever is smaller, as per the Wetland Preservation Act.
- GC will draft a letter to the abutters and Doug for the next meeting.

**86 Paradise Lane, William Sanderson.** Tree removal; 3 Ash trees. One is currently pushing the foundation, second one is along a side wall/pump area and the third is at the sidewalk.

- Site Visit performed; all noted
- JK: ok with removal of all 3
- DB/CM: feel 1<sup>st</sup> tree makes good impact on property and agree it's a structural concern but protocol states an arborist needs to make the recommendation for the 2<sup>nd</sup> and 3<sup>rd</sup> trees. No need to replace with more trees as their lot is packed with trees.

**Motion to cut 3 trees w/o stumping: EG 2<sup>nd</sup>: DG. Discussion: CM feels Commission should follow protocol (Arborist). Vote: 4 Yea, 1 Nea.**

**Correspondence:**

**50 Hall Road: OFS.** Scope: poured concrete pad – getting plan from Jalbert to delineate buffer zones.

**70 Westwood Drive OOC #300-766** Due to permit extension act, good until 2018.

**Cumberland Farms (Rt 20).** Site personnel disconnected the 24" pipe, so water was discharging. Situation was handled immediately before any ramifications could occur.

**New Business:**

Annual Winter Tree Scavenger Hunt has begun.

**Open Space Update:**

Army Corps of Engineers currently clearing debris in flood plan as result of tornadoes.

**Agent Report:**

- OSV: Fish & Game; Site walk with Phil Towndell; good fill and agreeable with the curtain dam; additional work on 12.18.13 under Emergency Certification. They are ready to start work; continue over the next 20 – 22 days.
- 18 Cedar Lake Drive, House fire. Silt fence is up for protection.
- Fish and Wildlife – mapping issues to be addressed
- Trails Committee – continue to work as no snow on ground. Received a verbal approval of tree cutting; to start clearing work after receipt of amendment. But still must pull a permit to do the work.

**Site Visit Schedule: Not addressed due to the late hour of the meeting**

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