

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, June 19, 2014
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 6:00 – 6:45 pm By Law Review; working session for Commissioners
6:45 pm Reconvene Meeting for Regular Business

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman **Members Absent:** David Barnicle (DB), Vice Chair
Donna M. Grehl (DG)
Calvin Montigny (CM)
Joseph Kowalski (JK)

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk
Applicants and/or Audience Members: Sam Moffett, Gary Kellaheer, Mary Blanchard, Anne Reitmayer, Betsy Calvert, Howard Fife, Shaun Sudoski, Leonard Jalbert, Brian and Trish McCley, Matt and Lindsay Brochu, Tom & Kelly Peck, Jane & Chaby Neergheen, Pat & Joe Wondalowski, Evelyn Condelli Sullivan, Bob Murphy, Fran Neoensehwanson, Chris Mazeska, Priscilla Gimas, Rachael Dodson, Peter Mimeault

Committee Updates:

- **CPA – (EG)** Did not meet.
- **Trail Committee – (DB)** No update; DB is not present to provide an update.
- **Lakes Advisory Committee – (DG)** Continue to work on a town betterment disbursement of funds for weed treatment. There is an upcoming canoe trip on Quinebaug.

Approval of Minutes: May 15, 2014 and June 5, 2014 – Continued to the next meeting.

Walk-Ins:

118 Leadmine Lane, Gary Kellaheer – discussion of plan. Continued to the next meeting, July 10th.

Public Hearings:

6:45pm Bluewave Capital, DEP#300-888 (cont.) Sam Moffit, TRC Engineering and Ann Reitmayer, Bluewave. Request to amend the Order of Conditions at Hare Road.

- **Documents submitted:** Legal ad tear sheet and abutters notification
- **Backstory:** In April, we had rough drawings and needed to pursue changes due to the economics of the project that were in jeopardy at that time while protecting the wetland areas. As requested by the Commission, all the changes are shown in the bubbled areas on the plan.
- **Inverter Pad Relocated:** Array 1: The inverter pad was relocated. Added two new areas. EG: Where was the inverter before? AR: One located down here and the other was located in a different location. Array 5: C11 drawing shows the detail. EG: Where was the inverter before? AG: The 2nd inverter was originally closer to the road, now has been moved 120' down into a corner.
- **Super Silt Fence:** C10 drawing shows the detail. EG: Where are the vernal pools located? GC/SM: They are shown on plan, imbedded in wetlands. The red dashed line is super silt fence. Bubbles: either a super silt fence is located or red dashed line is located.
- **Road:** C14 drawing shows the detail. They find that the geo-textile is the best way to prevent settlement of gravel. EG: Are you putting geo-textile near the wetlands? What is the construction? SM: My understanding in speaking with the engineer, a 4" scruff up of the road, then lay geo-textile down, then lay the gravel as needed. Shoulders would be near wetlands and the super silt fence, then a portion would be 4" dense graded crushed stone (gravel) is laid down which is further away from resource areas. It's a 3:1 slope as shown on the plan. Plans show where it will be used in the best situation so it's stable. ED: How do you edge the road through the vernal pool area? SM: With the super silt fence. It will match at the existing grade, geo-textile is laid out, with crushed. CM: scarify road, geo-textile laid, then stone able to settle into these pockets. SM: Yes. CM: used in parking lots and works very well. DG: What happens if you hit water? SM: Not of my professional specialty, but to answer that question, but you typically

might lay gravel to stabilize it. DG: Concern it may occur. GC: The road is too elevated, and I don't feel ground water would be an issue. As it's only going down 8" total; only 4" deep would dug near the water.

- **Security fence:** Height changes from 8' to 6'. EG: Does not feel it's an issue with the change.

Agent report: Originally BW requested temporary crossings as they were needed. Now that water is lower, are they now off the table? AR: Yes. ED: If so, now you would be committed to permanent crossings as part of the construction of the site.

AR: Yes. Inverter pads: in Array 1 it moved 500' which eliminated a lot of the overhead wire while staying within the work limit lines, and now at closest point to the connector. Only the location of pads changed? AR: Correct. GC: The work limit lines remain the same. Security fence has no impact on wetlands. I agree with the locations of a supersilt fence, in my opinion if standard silt fence were maintained in 1 and 5, it will still work well in regular rain events. The structure for the road, as the honeycomb style was impressive, but it's really not needed due to the limited use after site is developed. Felt plans represented these changes.

Commissioner's comments and questions:

- DG: So there is one above ground pole? EG: In addition, to the poles that National Grid that we approved on site
- JK: I'm pleased with everything.
- DG: All set. EG: With the changes to the inverters, I'm all set with that plan. The road bed was usable and solid. Regarding the super silt fence, looking forward to seeing this, as it's never done here before. Since there is no temporary crossing needed, which I was not in favor of. I'm not crazy about the 1 pole above ground as National Grid can cut to their desire, and can cut any amount of trees. AR: I don't have the cost of the pole. EG: The on-ramp, National Grid will access via this location.
- DG: Can they move the pole? AR: I'm not sure as to the cost implications? If they can bury it in terms of pricing, they would try to accommodate this request but we can't commit to this at this time.

Audience comments and questions: Howie Fife: Is there any map that shows the relationship to culvert under the turnpike? GC: Perhaps on the overview. Fife: How does this impact the State Park access to the dam for maintenance? Shaun Suhoski: Hobbs Brook flows under the pipe into the water treatment. Fife: Near the salt shed? JK: It's located further away, so it shouldn't be an issue. Suhoski: I want to thank the Commission, the engineers and Bluewave that continue to work together on this project. If Bluewave has satisfied all the Commission's needs, this is a good project for the town. I would like to see this project advance, so long as the wetlands are protected, as it appears they have done so.

Motion to close the public hearing and to approve the applicant's amended plan as presented this evening: JK 2nd: CM

Discussion: CM: based on all presented it would be great to get that pole underground, as it shouldn't make an impact.

Vote: 3- 1(EG); Vote carries.

7:00pm Notice of Intent, DEP #300-901, 240 Roy Rd, Joseph Veneziano (Not Present) (cont. from 6/5/14). Drainage work in buffer zone and BVW.

Agent Report: Mr. Veneziano sent in plan showing that it should drain with a grade that should work with 2 catch basins. However, they added and additional basin. Start 96.6 leaves 96.55, exits at 96.0.

Commissioner's comments and questions:

- CM: Who did the survey? GC: Kevin O'Malley did the survey CM: is he a surveyor? GC: Not sure of his credentials.
- CM: 6" over the distance of 160'. DG: Looks like the water may go the reverse direction. EG: Can you help explain this Lenny? Leonard Jalbert: If you take pipe from point A to point B, with these calculations of 1' drop over 160" is less than 1 percent. For example: The capillary reaction on a driveway is 1/2". In this concrete pipe, you won't have the correct velocity in this pipe. It will collect what it's supposed to drain. EG: The pipe is going across Roy Road. GC: Yes. EG: I trust Lenny. Jalbert: if this is the best the site can give provide, this plan is better than anything going on right now. But you will end up with siltation build up. EG: Let's continue this meeting for Joe to come in. CM: The small pipe increases siltation build up. EG: Yes. GC: Will call Joe on the continuation and to ask about Kevin.

Request to continue the meeting to July 10th: EG 2nd: DG **Vote:** 4-0.

7:15pm 16 Audubon Way, Rachel Dodson, Request for Determination of Applicability for landscaping in the Riverfront Resource Area.

Agent report: Most of us went on a site visit. Applicant is requesting some landscaping in the riverfront area of an existing yard. Found the erosion controls are working fine. As proposed, I don't feel it will impact the wetlands. As for the dry well, if pipe were to ice up or overflow, there would be a splash pad. In fact, it's slowing down the stormwater water flow that occurs now.

Commissioner's comments or questions:

- EG: Any perimeter drains? GC: Not sure, they are high above the wetlands.
- DG: How will it work? What prevents water from going into the overflow pipe to gravel pit? GC: 99 % will go down and the little that may remain would probably end up going there also. CM: What is cubic feet of the pit? GC: About

5'-6'. EG: Does this pit exist yet? GC: No. CM: Size of the stone? 1-1/2 to 3". JK: Who designed it? GC: Shuller plan dated 1987. I believe these specs were cut and pasted from another document.

- EG: Request applicant to remove excess soils from the site and dispose of properly and to keep within the work limit due to turtle eggs.

Audience comments and questions:

Howie Fife, Opacum – I saw turtles are laying eggs on that slope as of last Saturday. Concern of bringing equipment up this slope, during this turtle nesting time. EG: No other access point? GC: No. DG: Would we allow a stone wall near the wetland? GC: it's far enough away from the wetland. It's an existing yard.

Motion to accept this project with limitations: removing excess soils from the site and to dispose of properly and to work within the work limit due to turtle eggs: EG 2nd: CM Vote: 3 -0; 1 abstain (DG).

7:30pm Notice of Intent DEP #300-897, 21 New Boston Road. (cont. from 4.17.14) Proposed hotel development. This project did not make it before the last ZBA meeting, to get a variance on the parking spots in the zoning setback. Therefore the applicant is not coming in tonight, as they go before ZBA on 7/9. Pat Doherty has requested a continuance to July 10th.

Request granted for a continuation.

8:00pm Request for Determination of Applicability, 100 South Shore Dr, Leonard Jalbert, Jalbert Engineering, representing Matthew Brochu & Lindsay Krauss Brochu. Request to demolish and reconstruct a Single Family house outside the 100' buffer zone to South Pond.

- **Documents Submitted:** legal ad tear sheet and abutters notification.
- **Backstory:** ZBA met last night and voted a negative response and will allow construction of a SFH on this lot. Submitted to ConCom, an NOI, and in the process found that it lies with the zone for Natural Heritage to review it. Applicant submitted an application and a plan on 6/17. National Heritage has no concerns and will allow for construction of the SF as submitted.
- **Scope:** Building a SF home within the original footprint. A 2 story structure with a walk out basement. A deck area in the front, the 1st floor is 8' above existing deck and the exterior stair is 3' down and 90' to the lake. This will remain. The house will be raised All will be outside the 100' buffer zone.
- **Well:** Geothermal well system will be installed adjacent to the house. The two tanks will be relocated from the house to allow for pump system to go into existing leach field. The leach won't be changed. The existing line will be interconnected with the new line.
- **Driveway:** Existing driveway goes over the leach field. We relocated the driveway to have access to side of house with a small retaining wall to eliminate this situation. JK: Any plans to build the existing stairwell? LJ: No. Some trees will be removed due to driveway but it's all outside the 100' buffer zone.
- **Agent report:** This is an RDA under the bylaw only. It's outside the jurisdiction of the WPA. An important point to note, that the erosion controls must remain in good condition due to the slope. EG: Concerned with the silting of the lake with this construction. Some trees to remain, but a few trees on south side of house and driveway will be coming down. It will be a good project if there are good erosion controls in place.

Commissioner's comments and questions:

- JK: no concern.
- CM: How many trees are being taken down and are they all between 100- 200 feet? LJ: Yes they are. There will be 5 trees removed within the driveway area. DG: Any removed on the side of the house? LJ: Yes, a 12" oak tree on the left side due to the well.
- DG: Are you building closer to the lake? LJ: The house is 4' closer to lake but still 150' away from the lake. DG: Deck? LG: The deck is smaller by 2', but it's staying within the footprint.
- EG: Has the well been put in yet? LJ: Not yet, it's in the process with the BOH. It's going to be installed via access from the lake since the water is low due to draw down. DG: Driving equipment along the shore and up the bank? LJ: Yes, using a small track vehicle. It was the same machine proposed last time. GC: Charlton Well was using the same machine that they were originally to use on ice. DG: We approved the plan for use on the ice, not the ground as now proposed.
- GC: They already have a permit for the well but it's not part of this filing. We are looking at a tear down and rebuild of a SFH. They have two permits on this project. We looked at both via water and ice. Originally the RDA would have no impact on the resource area. JK: If water is down now, then it should still be applicable. GC: Just a determination with no impact of the resource area, weather access is by the shore or by the iced lake. JK: No impact then.
- DG: Where will the water from the driveway go? LJ: Back into the lot itself. Greg Morse reviewed the plan and was fine with the flow off the driveway.
- EG: Concerned with water flooding due to another recent project on Allen Road.

Motion to issue a positive determination under work in the Sturbridge Bylaw. Due to recent flooding issues, must manage the project carefully: EG 2nd: JK Discussion: Lengthy discussion between Commission and Jalbert regarding the type of filing. It was determined that all the appropriate information that was submitted under an RDA, would be the same information if an NOI was required.

Audience comments or questions:

- Trish McLeary, abutter. The house has been let go and not cared for. These new owners are trying to do a good thing for this house. Now, the water is low, there is plenty of room to do the work. What can the town do to help them with this process so they don't have to wait until winter again?
- LJ: Feel we are confusing the project. We are here to discuss the construction of a SF home over 100' from the buffer zone. The NOI will state the same information as the RDA currently does: erosion controls, the existing leach, the existing well and pump system, the relocation of the driveway. There is zero impact regarding the state restrictions. The Dept. of Natural Heritage and Resources permitted the applicant to move forward.
- GC: The house project is out the WPA jurisdiction. We can issue conditions under a DOA. The owners have water but it's not potable water. You can get a permit to demolish and can start this project per Zoning. EG: Can you build without water? LJ: Yes, under your own peril.

Previous motion withdrawn: EG

Motion to issue a positive determination under the Town Bylaw #5 followed by an OOC to include a preconstruction site visit, excess fill will be disposed of properly, and to maintain erosion controls and the Commission can enter property upon occasion: JK 2nd: CM Discussion: none. Vote: 4-0.

8:15pm 60 South Shore Dr, Kelly & Tom Peck, Lou Letour, Site Supervisor DEP #300-898 (cont. from 6/5/14) Notice of Intent for reconstruction of retaining wall at shoreline

- **Documents Submitted:** A revised plot plan with trees. Versa lock specifications.
- **Agent Report:** Site visits occurred again. We are also looking for the specs on Versa lock wall and the engineered plan for the pipe discharging to lake. Site inspections have raised concern for large oak tree imbedding into the large terrace wall area. The wall is at 42"ht. The 2nd site visit shows a wall at 51" – 57" height. The discharge pipe appears to work due to the noted scouring but the point at the last meeting, was that it the pipe discharges directly. You told us that you were cleaning the catch basin at the driveway but during the inspection there is 6" of clearance between the sediment. The plans show 4' deep sump and has 3 ½' of sediment. TP: It's not a 4' Sump.
- **Wall Height:** TP: A 42" ht. wall is what will be built due to building permit to avoid engineering. GC: So the 57" ht. wall of the lower wall will now be 15" lower? KP: It will be 42". LL: 57" is at the tree. The wall will have to be higher at the point of the tree. CM; Anything over 4' must be engineered. DG: Concern for increased flooding. EG: How will you construct the 15" drop? KP: That wall is higher than the sand level. Sand is behind the wall. It washed away last year. So the wall ht. is 42 – 46". GC: So how do we go from 57" to 42", we still have 15"? LL: It will be a 8-9" difference. EG: I think we can move forward. What other issues? GC: Do you have the Versa lock specs? LL: Yes, submitted tonight to CM. CM: Where will the existing wall debris go? LL: Up a trough into dumpster to be removed from site.
- **Catch Basin:** GC: How deep is the catch basin? TP: 2' deep. GC: The secondary catch basin discharges and filters to sand and infiltrate rather than the direct discharge you have now. TP: What is an idea to make it work? GC: Discharge into the Buffer Zone. KP: We don't have enough space. LL: It will discharge on flat land where the fire pit and benches are located. EG/GC: Sounds like it's a plan that would work. GC: Doesn't want it to discharge on a steep slope. KP: We put in a French drain a while ago to help with drainage from the road. EG: I think LL's idea will work.
- **Tree Concern:** EG: How will you build the wall, without losing the trees or damaging the new wall? LL: The trees will get tied back to secure in place while we are building the wall. We will compact the wall at every 6" during construction. JK: How do you tie back it back and to what? How old is the existing wall? DG: 45-50 yrs. old. KP: LL is hiring a sub-contractor to install the wall. He will be supervising. EG: In summary, the wall needs to be replaced. The water issue will be solved, without direct discharge, and there is a process in place to build a new wall. The issue with trees is a tough issue. Perhaps find someone who knows how to cut roots when cutting back.

Motion to accept the plan as submitted by applicant with following conditions as described above: JK 2nd: DG. Discussion: DG: Will he show all the stone on the plan? LL: Yes. Approved with caveat that stone will be shown on the plan Vote: 3-0; 1 Abstain (CM)

8:30pm 67 Beach Ave, Robert Murphy representing Jane Neergehen, DEP #300-900 (cont from 6/5/14) Notice of Intent for construction of a garage in the buffer zone.

- Based on the previous public hearing, the Commission had questions regarding the drainage to the driveway so the applicant has revised the plan to address these questions.
- A Revised/Resubmitted Plan showing:

- **Garage:** The location of the garage moved to the south. It is now 10' from the house. It will now avoid removing a large pine tree and will reduce the amount of the impervious area of the proposed driveway.
- **Drainage to Beach Ave:** Grade the driveway so that the drainage will go across the pavement, headed south west, to the lawn so it won't go onto Beach Ave. RM conducted a drainage analysis and determined the low point is the driveway. The proposed trench drainage system will cause no increased drainage to Beach Ave. All of the water from the garage will be recharged.
- **Tree Removal:** Remove 1 diseased hemlock tree. The utility company has cut all branches at the road side. Proposed to install 3 arborvitae (white cedar) shrubs when remove this tree.
- **Driveway:** The driveway will be a few inches higher than the existing ground and won't cut any roots of this pine tree located near the lake. DG: So 1 Hemlock is being taken down. BM: Yes.

Motion to accept the plan for 67 Beach Ave, DEP#300-900 as proposed: DG 2nd: JK Discussion: None Vote: 4-0

14 Birch St, DEP #300-811 Certificate of Compliance Evelyn Sullivan & a Family Friend.

- **Agent Briefing:** Conducted site visit with EG. Site is well stabilized. GC: That stake in the lawn, is that for the leach pit? ES: Yes. GC: The swale on the north was built. The planter exists and sees no erosion. Big issue for water on neighbor's property #16, Pat Wondalowski. Timbers installed to keep erosion off there and seem to be working to keep water off the lake. Evelyn just inherited the house from deceased brother. Trying work with Sturbridge and to get things done right.
- **Pat Wondalowski (PW):** I am an abutter with a few items of concern, that nothing has changed since new ownership this November 2013.
 - Run off from the Planter still occurs and the berm mandated to be a flat finish grade, but instead was built on slope and causing drainage issues to the neighbor. Supposed to have plantings in planters, but nothing was put in.
 - The swale on their side was never maintained by the previous owner nor being maintained the current owner as per letter request in 2013. The swale is no longer functioning.
 - The raft has been stationary in water for 3- 4 yrs.
 - Ask the current owners to complete these concerns.
- **Evelyn Sullivan (ES):**
 - I wasn't aware of any of these items being discussed tonight.
 - I'm slowly trying to get the inside done for occupancy for myself and my father to live there.
 - I am now starting to work on the exterior.
 - GC: We spoke about the leach pit, and tried to locate it. They cleaned up the construction debris and the litter along the shoreline. The frame of the raft was not in the water. The raft is not part of the OOC.
 - Response by ES's Friend:
 - The planter has been seeded recently.
 - Not sure of the water coming off house, as it's going into the perimeter drain which then runs into the swale between the two properties.
 - We also installed timbers to help alleviate run off to the neighbor's property.
 - Perhaps we can add the raft frame removal onto the conditions.
 - We are trying to mitigate the problems. PM: ES may not have been made aware of these issues by her brother.
- EG: wants a site visit with PM and ES to review these concerns. ES's friend: GC has been on site and discussed and not sure that the water is a concern. ES thought it all was done and set. ES: May I put in a temporary resin fence for privacy? EG: Show us at the site visit. Site Visit scheduled for Wed, July 2nd 10am with EG, GC, Pat M

Minor Amendments to Orders of Conditions

100 Allen Road, DEP #300-779, Christopher Mazeika. Requesting change in plan to allow pavement of driveway in 100' buffer zone.

- **Agent Brief:** Site visit today w/EG and feel the applicant will need to address this project with an engineered plan due to concern with run off. We propose to amend the OOC. DG: Concerned with run off. EG: Site needs engineered management with the flow of the driveway. GC: I believe it's too much for a minor amendment; therefore we are requiring an engineered plan and do as amended OOC for his driveway due to water run off concern. **Request to amend the OOC. Vote: 4-0.**

Letter Permits:

- 76 South Shore Drive, Peter Mimeault, 1 tree removal. Site visit. Saw the tree, we agree. All set to cut down
- 49 Bennetts Rd, Daniel Fratino. Request removal of 3 trees as they are hi risk as they are cracking his foundation. GC: Unable to conduct a site visit this week. JK: Are the trees marked? GC: Not sure. CM: What type of foundation? GC: Not sure. Continue to the next meeting.
- 18 Cedar Lake Drive, Erik Evensen, tree removal of 5 trees. The house burnt to the ground. An NOI hasn't been received yet for the rebuild of the SFH. JK: If trees are not leafed out, then they are dead. GC: Recommends removing these trees. JK: Wants to do a site visit. Continue to the next meeting.
- 118 Stallion Hill Road, Roger Richard. Requesting a new well. GC conducted a site visit. The well is close to the house. Recommending to issue a letter permit for the well work. All agreed.

Old Business:

Cumberland Farms: CM: At the back of the property, where they did some plantings, some of the trees are dead and other trees will be soon dead. Suggesting a re-planting. JK: 3 London trees? CM: The trees in the rear. EG: The agent needs to make a site visit and will write a letter. DG: GC please check that there is no garage in the area where the flooding occurred in that culvert. CM: I was their today and found no trash, debris in that culvert.

Farquhar: GC heard back from Forester, Kate Marquis. She is proposing to keep the landing, require erosion controls or a buffer strip at the landing and due to our concern will increase the monitoring of the site. No confirmation from her, that the state highway had denied access to Rt. 131. EG: BOS heard from the neighbors and are concerned with flooding. Think they should look for landing on Rt. 131.

EG would like GC to send a letter to ask the BOS not to approve in its current state to support our WPA. JK: Concerned for the access proposed due to lack of room: EG 2nd: CM Vote: 4-0

Meeting Adjourned: 10:00 pm Motion: JK 2nd: CM Vote: Unanimous

Next Meeting: Thursday, July 10, 2014 at 6:00 pm

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