

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, July 10, 2014
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 6:00 pm
Quorum Check: Confirmed
Members Present: Ed Goodwin (EG), Chairman **Members Absent:** Joseph Kowalski (JK)
David Barnicle (DB), Vice Chair
Donna M. Grehl (DG)
Calvin Montigny (CM)

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk
Applicants and/or Audience Members: Kate Marquis, Tom and Mary Lu More, Gary Kellaheer, Joseph Veneziano, Kevin O’Mally, Jason DuBois, Leonard Jalbert, Edward Adamson, Jamie Herrick, Mike Toohill and Eric Morse

Committee Updates:

- **CPA – (EG)** Did not meet.
- **Trail Committee – (DB)** Meeting tonight at Town Hall.
- **Lakes Advisory Committee – (DG)** A Lake Monitoring Teaching video for South Pond is being created. Currently looking for volunteers to take over the water testing.

Approval of Minutes: May 15, 2014 – Approved: DB 2nd: CM
June 5, 2014 – Approved: DB 2nd: CM
June 19, 2014 – Approved: DB 2nd: CM

Walk-Ins:

118 Leadmine Lane, Gary Kellaheer – discussion of plan.

- Applicant is concern with a damaged hemlock; it is marked with ribbon and will submit a tree removal application.
- Agreeable to do a 2:1 replication with arborvitae if acceptable by the Commission.
- Upon receipt of tree removal permit, ConCom will conduct a site visit and make a decision at the 8/21 meeting.
- Per GC: The parking area across the street is not on a plan, and there is no historical knowledge of how it came about. Suggested that if the neighbors could put in writing that have used it for years, prior to the NOI filed by Mr. Pinto the commission would accept it. This would allow the applicant to continue to park there as it resides on the wetland. However, the Commission shouldn’t allow snow be pushed around in this area as it moves gravel into the wetland.
- Continued to the next meeting on 8/21/14.

Forrest Cutting Plans: Farquhar Road, Kate Marquis, State Forester representing Christen Kruger, Hull Forestry. Forest cutting of 19 acres.

- **Agent Briefing:** There are questions and concern with the plan:
 - **Landing:** Location of the landing on Farquhar Road, access to the roads, and the wetlands near Farquhar Rd.
 - **Access:** We’re not sure it’s the best spot for enter and access to the land. It’s also adjacent to a wetland area. There is a culvert under Blueberry Lane. The thinning may increase run off that may impact the downstream culverts here.
- **KM:** For clarification purposes, Hull Forestry will be doing the cutting, not her organization, the State.

Landing Location: Both she and Christen Kruger, Hull Forestry:

- Feel there is adequate room to come off Farquhar Road. Flagged the area and have a good buffer between wetland and non-wetland. GC: Is it possible to put landing near the More’s back yard? KM: Possibly, but we would need permission to do this.
- Concerned with pulling out onto Rt. 131 due to the steep slope/guardrails. Kruger spoke with DPW about the underground water/power rights. DB: Requested a letter from the Town, State or Hull indicating that it’s a problem as the Commission is not aware of this condition.
- KM will be on site to monitor Hull’s work and the overall project.

Commission's comments, questions:

- **Rt. 131/Farquhar:** Discussed, the option of using Rt. 131 vs. Farquhar. The State Forester and Hull Forestry feel Farquhar is the best spot but is open to discussing other options with Mike Bartlet, the former State Forester assigned to this area for his suggestions.
- **Cutting Plan:** State Forester has approved the current cutting plan and can start without ConCom approval, however they are not allowed to log without the approval of the BOS. ConCom provides the recommendation to the BOS.
- **Run Off:** Flooding is a concern. KM: feels that it wouldn't flood due to the scientific papers that she's familiar with and the mature environment that currently exists. GC: spoke w/JK, in JK's opinion it's a commercial thinning, and didn't feel that it would produce a significant increase in runoff.
- **Canopy Removal:** is a concern that will impact the wetlands with 40% of that to be removed. Commission won't allow that. CM/GC: But the state can override the Commission as they are protecting wetlands under the Forest Cutting Practices Act.
- **Trucks:** Appx. 10 -11, but Hull would have to confirm this. DB: Will they be whole logs, what are the length of the logs and the height of the stumps? KM: Hull would have to advise on this. Tom Moore, an abutter will speak with the forester on any questions.
- **Landing:** Can the landing handle trucks vs. trailers? Hull would have to confirm this. ConCom is concerned the landing can't accommodate whole length logs. EG: Concerned with the opening up of wetland. KM: Should I contact the DPW on the concern underground water rights. No, GC will do so.
- **Wetland:** The State can cut right up to the boarder of the wetland. KM: if Hull doesn't follow the plan to avoid siltation, then I shut the job down. DG: According to Chapter 9 in our Bylaws, a 50 feet filter strips are required for all streams, pools etc KM: We don't have a stream, therefore no filter strip is needed
- **Follow Up:** GC will speak to DPW: 1) Can we get on 131, 2) landing size and 3) Culvert age near Blueberry Lane.
- KM discussed new programs trying to bring into Sturbridge.

Public Hearings:

6:30 pm 240 Roy Road, Joseph Veneziano. (cont. from 6/5/14) Notice of Intent #300-901 for drainage work in the buffer zone and BVW

- **Scope:** Kevin O'Malley will do the work. He was the contractor who did the wetlands work last year in our neighborhood. He came up with this plan and here to answer your questions.

Commission's Comments and Questions:

- EG: Appears the length of pipe changed. ConCom thought it was crossing road but now goes beyond your barn. At the last meeting, ConCom was given advice by Mr. Jalbert, a local resident, that friction due to low velocity wouldn't property drain at that distance. However, he felt it maybe the best case scenario given this situation.
- JV: The reason for the extension is to drain water in between two homes. Two longer drains have the same pitch and handle a lot of water from the Pratt property. DB: Our earlier concern that it will drain into the wetlands vs out of the wetland. KO: JV is looking to avoid having standing water for days as the road holds it back. DG: What if it gets clogged and stops functioning? Will it be engineered to allow cleaning? KO: Yes, it has a sump on it. DB: How long to do work? KO: 1-2 days, as we can't leave the road open. Will be using a mini excavator as it's an 8" pipe. DG: Any erosion controls? GC: It's a flat, long area. I feel there no real potential for erosion. Perhaps, 3-5 hay bales for the outlet to wetland. Seed any disturbed soils.

Motion to close the Public Hearing and issue an OOC under the MA WPA and the Town of Sturbridge By-law for DEP#300-901 with OOC as determined by the Agent: DB 2nd; CM. Discussion: None Vote: 4-0

6:45 pm 152 Lake Road, Request for Determination of Applicability, Jason DuBois, Bertin Engineering representing Charles & Barbara Callahan, demolish and rebuild cottage in the 200' buffer zone.

- **Documents Submitted:** Abutter notification and Tear sheet
- **Agent Briefing:** RDA for work subject to Sturbridge Town Bylaw, since it's over 100', it's not subject to the WPA.
- **Scope:** An existing (22x34) cottage to be demolished, and rebuild a proposed 24x34 2 car garage with single residence located above the garage. Install footings, and then build the structure.
 - **Debris:** Dumpster for debris removal, taken off-site to dispose of debris.
 - **Erosion Controls:** Hay bales and a silt fence will be put up. Stockpile in designated areas. The existing gravel driveway will have hay bales that can be removed to let owner in/out of driveway.
 - **Tree Removal:** A few trees against the cottage will need to be removed. DB: Concern for the root structure when you excavate and start construction. Requesting to 2nd line of hay bales put in near their living quarters as the drive is steep, so it would a secondary prevention when you need to remove for car traffic and in heavy rains.

Commissioner's Comments and Questions:

- **Tree Removal:** Concern over a large number of trees to be removed. This site may be difficult to replicate, so perhaps some shrubs. DG: Must show on the plan, the trees that will be removed so you can get the foundation in. EG: need some replacement near the existing living quarters.
- **Driveway:** JD will confirm if it will be paved or left as gravel.
- **Run Off:** DG: Where is drainage going? DB: Not sure anything will change as there is currently a structure there and the new structure is going in the same location as the current structure. However, we will put in a drip strip around the new structure. DB: Use only hay bales, not straw wattles.

Request for a continuation to the next meeting on 8/21. Bertin will provide a plan showing the trees to be removed, what type of driveway surface, any run off with the new structure; include a drip strip and proposed plantings for replacement. Consensus: 4-0. Continuation Granted.

7:00 pm Request for Determination of Applicability, 5 Harding Lane, Jaime Herrick, Julioano's Pools, representing Ed Adamson for construction of an in-ground pool in the buffer zone. (CM recused himself due to work submitted after the fact.)

- **Agent Briefing:** Sketch was provided and reviewed, however the as-built plan raises a concern. The work limit lines are not called out on plan. DB: Thought the rock wall behind the house was in the 100' BZ and was the work limit line. Trees are flagged to be removed. Lawn was marked where pool will go. Pin in picture, not a surveyed pin, that marks the property lines. Agree that two trees outside property lines won't be cut.
- **Scope:** JH: An 18 x 29 x 37 lagoon shaped in-ground pool with a 48" fence which is appx. 79'6" to the wetlands. To install a silt fence backed by hay bales with 2 stakes in each hay bale. To use existing top soil on the site.

Commissioner's Comments and Questions:

- DB: Is the outline, the water line? JE: Yes, and a deck will go 3' beyond that.
- DB: will rock wall have to be moved? JE: It has not been brought to my attention that the wall would move.
- DG: When the subdivision was going in, we worked very hard to maintain wetlands in this development. We are upset that the rock wall was moved as it's a violation to the BZ. DB/EG: Now we are being asked to expand the violation of 25' by allowing more work with a permanent structure to be constructed w/in 75' of the wetland.

Motion to reject the proposal as it stands: DB 2nd: DG Discussion: GC: The measurements provided were off the GIS, which is a rough estimate. We frequently allow work, not building, in the 50' and there is a significant amount of vegetation. DB: Due to all cutting needed to put in a pool, eliminating the entire canopy; the wetland will suffer and dry up. JE: The pool is 80' away not in the wetland. We want to work with the board, and will agree to leave a few marked trees up if that would help. DB: If we permit this, then we encourage a net loss. Vote: 0-3 (CM: Recused) A letter will go to Ed Adamson and Brian Julioano. JE: What is the appeal process? EG: You must go to the DEP.

7:15 pm Notice of Intent DEP #300-897, 21 New Boston Road. (cont. from 4.17.14) Proposed hotel development. Applicant was unable to receive relief from the ZBA meeting last night. They will not be coming in this evening and have requested a continuation.

7:45 pm Notice of Intent DEP #300-tbd, 595 Main Street, Leonard Jalbert, Jalbert Engineering representing Blackington LLC. Improve and redevelop a parking area in the Riverfront Area.

- **Note:** LJ hasn't received a DEP number yet. Hasn't received any comment from Natural Heritage either.
- **Documents submitted:** Received abutters' notification and the tear sheet.
- **Scope:** The only parking for Blackington Building is across the street. This is a 2 phased process to try to eliminate parking in front of the building.
 - Phase I: The entry point is from Rt. 20. It's currently a flat area used for parking. A fence and stone swale will be installed. No work on the existing slope.
 - The area along Rt. 20 contains an interceptor drain to handle the runoff on 6" rain storm. There is no drainage on lot itself, just percolates now.
 - The site is a natural gravel surface, not paved, pervious throughout.
 - Will be planting new mature trees. Will continue to use the lighting off of existing telephone pole.

Commissioner's Comments and Questions:

- DB: How will water go into those drainage swales? LJ: It's all gravel fill, 60-70', sheet flow into swales.
- DG: Any previous toxic material still there? LJ: Doubtful.
- DB/EG: Have no issues with the plan. DG: It's in riverfront? LJ: It's riparian zone but it's exempt. Phase 1 is outside 200', Phase II is in the redevelopment area. It was previously disturbed area, but we are improving the situation now.
- DB: Any concern for run off from RT. 20? LJ: No concerns, as the berm handles it to keep all run off away from this area.

Motion to grant a conditional approval to approve DEP#300-tbd, Phase I and II pending acceptance from NEHSP and pending receipt of a DEP number: DB 2nd: CM Discussion: None. Vote: 4-0 If there are no comments, then we will close the public hearing at the next meeting on 8/21.

8:15 pm Request for Determination of Applicability, 140 Lake Road, John Radner, installation of foundation drain in the buffer zone. Applicant is modifying the plan and will be prepared to discuss at the next meeting.

8:30 pm Notice of Intent DEP #300-tbd, Mike Toohill, BSC Group, representing Massachusetts Electric. Charlton Road utility pole installation in the buffer zone, BVW, and BLSF.

- **Documents submitted:** Abutters notification and tear sheet
- **Scope:** To install (4) new utility poles and replace (6) poles due to bad condition and in need of reconductoring at the intersection of Rt. 20 & Rt. 84). The 4 new poles are for the solar projects are within the Buffer Zone. The reconductoring will be on the 6 poles. All of the 6 poles are within the Buffer Zone, except for (1) pole is outside of the Buffer Zone.

Commissioner's Comments and Questions:

DG: Riverfront doesn't have an extended buffer? MT: No. CM: Little disruption with pole replacement? MT: Yes, very little.

EG: We approved this project with the solar project initially. DB: Yes, but we wanted more clarification. **Motion to grant provisional approval upon receipt of the DEP number for DEP#300-TBD as project presented: DB 2nd: CM Vote: 4-0**

8:45 pm Notice of Intent DEP #300-0903, 15 Vinton Road, Eric Morris, Green Hill Engineering, representing Michael & Melanie Harrington, replace leach field and tanks in the buffer zone.

- **Documents Received:** Abutters notification and tear sheet, plan and the NOI copy
- **Scope:** Install a 3 bedroom septic system with a raise leach field, install outside the 50' but within 100'. DB: How high is the water table? EM: GH is applying for a 3' separation, high water table. Pond shows the water table level. Not much room to work with here. CM: Is this same capacity system of the existing. DB: Will it be abandoned. EM: Yes, as per Title V regs. The site visit determined that were no issues. DB: Any tree clearing? EM: Yes, there will be some. It's a 40'w with 3 trenches. The majority is within the cleared field.

Motion for approval on DEP#300-903 for 15 Vinton Road: DB: 2nd: DG Discussion: None. Vote: 4-0.

GC: #300-389 – old OOC for trout pond, 2 violations were recorded previously. The gravel road (the road was never filed for) is now grass covered. Spring fed well located up hill. It's a shallow well; applicant was told that they can't pump water out of the well to fill the pond. We have added this ongoing condition in the COC. Signatures required.

Certificates of Compliance:

- **OSV: Grout curtain drain.** GC showed pictures of the erosion controls and the grass is established. Dewatering wells are buried now, they are not decommissioned at this time. Recommending to issue a COC. EG: If the silt fencing is still up then is it really stable. I'm not comfortable with this. GC: I will give permission to remove silt fence. We can then issue a COC at next meeting on 8/21.

Letter Permits:

- **1 Adams Road, David McGill. Water line installation.** Install water line from Cove Drive. Work is within the 200' buffer zone down to the house into 100' BZ. Simple improvement. Consensus: a letter permit will be granted.
- **130 Lane Nine, Jeff Tasse, Tree Removal.** After the fact tree removal. (cont. from 6.5.14) EG: The issue with the cutting of the trees was brought to our attention recently. You came to us back in 2007-08 and made some agreement but it didn't include the cutting level JT: Yes, I cut 4 trees: 3 birch and 1 pine. A few small trees that were damaged in the collapse were also cut. I called a few tree companies after I was granted permission, but they wouldn't cut as they would have to drop into the water. However they could drop on ice, so I waited until we had real thick ice this year. They were cut, dropped on the ice and hauled away in a week. DB: Moving forward, we request 2:1 replacement. JT: The slope is covered in Mt. Laurel and is starting to grow. I will provide photos DB: Ok with this ground cover and there is to be no stumping.
- **3 Library Lane North, Replace propane tank, William McClurg. Work in the buffer zone, 140' from the lake.** GC: Since so much digging would be needed to install the buried propane tank, the applicant wants to pour a concrete pad and install the propane tank on the pad. It's a well-established yard. When they remove the old buried tank, they will bring in fill. It's a good distance from the lake. Viewed this at the site visit. **Consensus to approve, applicant can proceed with the plan.**

- **49 Bennetts Rd, Daniel Fratino, Removal of 3 trees.** A site visit was conducted. One tree is close to the foundation, and 2 further away. Fratino claims the roots are cracking the foundation. CM: Since these trees are not clearly dead, we should we get arborist opinion. EG/DB: It's not the health of the tree, it's for the sake of the foundation **Vote: Tree #1 Vote: 0:4 (CM, DG, DB,EG); Tree #2 Vote: 0:4 (CM, DG, DB,EG); Tree #3 1:3 (CM, DG, DG). Final Vote: No trees to be cut down.**
- **18 Cedar Lake Drive, Erik Evensen, Removal of 5 trees.** The house burnt to the ground. All trees have no leaves, scorched. Ok to cut all of them and ask for 2:1 mitigation GC: Feel to ask for planting plan with the NOI when you come back to request to rebuild. **Consensus: Agreed with GC suggestion.**

Other Business:

- Vote to spend a sum of money from the Wetlands Protection Fund to pay for 5-hours per week for the Conservation Department Administrative Assistant. **Motion to accept: DB 2nd: DG Discussion: None. Vote: 4-0**

Correspondence:

- Falcon Club of America, Annual car show at the Sturbridge Host on August 23, 2014. 60 cars. No issues over the last years. **Consensus: A letter permit granted.**

Orders of Conditions:

- **100 South Shore Drive, Matt and Lindsey Krauss.** This order of conditions is under the Sturbridge Wetlands Bylaw. Commissioners signed.
- **60 South Shore Drive, Tom and Kelly Peck.** GC emailed the OOC noting the special conditions. Requested signatures. Commissioners signed.

Agent Report:

- **Lycott Environmental:** Treating Cedar Lake on 7/15. The north end (near rod and gun club) and other hot spots. They will also treating the town beach for algae. Beach will be closed for 1 day, back open on 7.17.14
- **Opacum Land Trust:** Received a letter welcoming Ed Hood, new executive director after 21 yrs. of service at OSV.
- **Fish and Wildlife:**
 - GC spoke with Todd Richards about moving forward with the Hammond Brook dam. They will flatten and grub out the parking lot but they won't pave it. It's up to the town to bring in crushed stone or gravel. GC spoke with Greg Morris, and he is in favor of this plan.
 - TR was also concerned with traffic flows, need input from Highway Dept. They decided they don't want to use the existing culvert under the old OSV road as that would create more scouring in an area they want to repair. They will be looking into decommissioning that culvert eventually. New open box culvert will carry stream.
 - Kiosks: They are fine with creating, building them for town. The graphic design should be done by the town, relative to Camp Robinson history. (3) Kiosks are located: at the pond/grand trunk, at the 2nd pond where the main camp was, and near the blue lagoon.

Meeting Adjourned: 10:00 pm Motion: DG 2nd: DB Vote: Unanimous

Next Meeting: Thursday, August 21, 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