

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, March 6, 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 – 7:00 pm Recess

7:00 pm Reconvene Meeting for Regular Business

Meeting Adjourned: 9:40 pm Motion: DB 2nd: DG Vote: Unanimous

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman
David Barnicle (DB), Vice Chair
Donna M. Grehl (DG)
Calvin Montigny (CM) – excused himself at 8:15pm
Joseph Kowalski (JK)

Members Absent: None

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk
Applicants and/or Audience Members: Phil Lombardo, Greg Morse, Donald Frydryk, David Sweetman, Brad King, Clyde Gagnon, Bill Shaheen, Jerry & Cindy Giroux, Robert Meo, Michael Mocko, Matthew Kibbe, Bob Briere, Linda Seguin & Betsy Calvert

Committee Updates:

- **CPA – (EG)** CPC met Monday:
 - Moving forward to acquire Plimpton Property. Applied for a \$400K nationwide grant, we are one of 20 applicants. Darci Scholfield is preparing a package to get the land into “Open Space”.
 - 15 acre parcel on Allen Road land (access off of Allen Road) will have a separate Town Meeting warrant article, and this land will go direct to Parks and Recreation for ball parks.
 - Refurbishing Cemeteries: (2) grants of \$9,000 proposed to use at North Cemetery
 - Annual Report
- **Trail Committee – (DB)** last week meeting was cancelled due to snow, will be meeting next week
- **Lakes Advisory Committee – (DG)** no update

Approval of Minutes: October 17, 2013 - Motion to Accept: DB 2nd: DG Yea:5 Nay: 0
January 9, 2014 – Motion to Accept: DB 2nd: DG Yea: 5 Nay: 0
February 20, 2014 – Motion to Accept: DB 2nd: DG Yea: 5 Nay: 0

Walk-Ins:

Mountain Brook Road, Greg Morse, Town of Sturbridge, DPW Director

- Discuss Mt. Brook Road, New Boston Road, Long Avenue and Beach Avenue road improvements
- Scope: Replace culverts at two locations. Single 36” culvert replaced with (2) 36” culverts. Re-align Mt. Brook culverts to the stream bed.
- Little fill, stay on grade on Long Ave, 1 ½” pavement overlay.
- Beach = existing gravel road, no proposed drainage as 2/3 of the area is very level.
- Culverts buried to allow for a natural bottom.
- DB Discussion: concern with serious rainstorms and concern for scouring to occur. The 18” pipe that receives seasonal high water. 90% of the time there is no water. Rip rap splash pad will take care of these concerns. This is not a town road.
- Need to file an NOI. A site visit once the snow melts. DEP will oversee the project.

Bob Brier – Public Invitation to a Premier Viewing of Camp Robinson Caruso , Saturday, April 5, 2014 11am – 9:30am

- 1 – 2 years ago, campers toured Camp Robinson Caruso and a request was made to do a video documentary of the Camp. Campers along with the historical society worked on this and are having a premier viewing of the Camp.
 - 11 – 12pm Tour of the Camp
 - 3pm viewing at Brewer Theatre, Old Sturbridge Village
 - 6 – 9:30pm Dinner at the Tavern, Old Sturbridge Village

Public Hearings:

7:15 NOI 214 Charlton Road DEP#300-895 – Don Frydryk and David Sweetman.

- Documents Received: Notice to Abutters and legal tear sheet.
- Request to renovate an existing single family dwelling into a medical facility
- Install a Handicap ramp, 12 parking spaces and an infiltration basin
- Working outside the river front area (RFA) but in the buffer zone. Will continue to mow the area. GC requested no mowing within the riverfront area.
- Lot will not receive runoff from Rt. 20.
- All large trees will remain.
- The infiltration basin system seems to be a better solution than a low impact system due to the size of the project. Calculations indicate the basin will infiltrate in less than 2 days. Separation to ground water is over 2', which is in accordance with stormwater guidelines of the Cornell Atlas. Diameter: 50' x 30'. DB concerned that it won't provide enough storage. DF feels that this design will take care of the overflow.
- Frydryk will provide an electronic copy of the plan to GC.
- Frydryk will also provide some follow up information from the Cornell Atlas to the Commission.
- A site visit with Frydryk will be conducted after the snow melts.

Requested a Continuation of the meeting to the next meeting. Request Granted. Moved to continue to next meeting on March 20th time – TBD. Request granted. Vote: 5 Yea; 0 Nay.

7:30pm NOI One Old Sturbridge Village Road DEP#300-896: Brad King, Sr. VP of OSV, Bill Shaheen, Geotech Engineer, Clyde Gagnon, Master Electrician, OSV –

- A sink hole concern in grist mill area with structural deterioration and safety concern at Carding Mill.
- To complete the final phases of the project:
 - Work on the embankment will be done in the buffer zone.
 - Install a new 36" diameter well; to be gravel packed to 40' below grade. This will temporarily lower the ground water for the install of the grout curtain.
 - OSV wasn't required to file with Army Corp of Engineers as work was not being done within a water body.
 - There is no impact to the Quinebaug; however there will be a drawdown of the pond. This is a temporary condition while work is being done. This will return to normal upon completion of work.
 - *Commission's comments, concerns, questions:*
 - *DB: 100' work with a nearby pond. Will the pond be drawn down?* No, the pond level will remain. The only effected area will be the embankment area due to an odd shaped cylinder. The water is not being pumped down as originally thought. Griffen Dewatering of New England, (OSV is highly confident with this company as they worked on the Big Dig) recommended that the 40' deep well with 5 horse power pump is sufficient to complete the work.
 - *DB: Will sink holes develop?* No, they shouldn't occur as there will be no void created in the sandy soil.
 - *CM: Is there is any negative impact to the environment and/or water quality?* No, the discharge pipe will lie on the ground over to the pond, where it will lay on the iced pond.
 - OSV feels this is a critical time to get this work completed due to safety concerns.

Motion to close public hearing of DEP#300-8896 1 OSV Road: DB 2nd: CM Vote: Yea: 5 Nay: 0 Discussion: None Move to approve the Order of Conditions on the MA Wetlands Protection Act and Town of Sturbridge Wetland Bylaw, and to approve DEP#300-896 plan as submitted: DG 2nd: CM. Discussion: All in Favor, there is a 10 day appeal process – can proceed at their own risk. Vote: Yea: 5 Nay: 0

Enforcement (GC):

31 Shore Drive, Mike Mocko, Environmental/Sanitary Engineer, representing Gary and Margaret Allard. Report on the progress to remove debris and correct scouring.

- EG wants to discuss the Enforcement Order and current issues with the dam removal and scouring. We will not be entertaining any new proposals this evening.
- Mocko is familiar with 1) the beaver and erosion problems at this site and 2) the order issued by ConCom – to hand remove the dam, dispose material off site, lower the water by 3-6"/day so to avoid silt from entering the lake.
- He will work parallel with BOH and ConCom to resolve. Progress to date:
 - Beavers were removed by a licensed trapper
 - Dam was breached by hand with some minor issues as it's now frozen
 - Scouring occurred on the bank with soil loss of less than 5 cubic feet

- Allard's 3 issues, for which Mocko feels are all inter-related:
 - Install a storm drainage system due to road side erosion
 - Solve the beaver problem permanently
 - Removal of sediments, now along his beach/swimming area
- EG is not disagreeing with these issues above, but will only discuss the BOH and ConCom issues of the status of the beaver dam removal and the scouring at tonight's meeting.
- Mocko is requesting to file an NOI to address all these above issues.
- Beaver Dam: Installed geotextile fabric, as a temporary measure, to protect the bank until the dam thaws. Mocko will discuss with neighbors a more permanent remedy to help resolve their flooding issues, and then will address Allard's issues along with the Town's issues.
- Beavers Return: Mocko will evaluate a beaver deceiver or continue with the trapping program along with a water level maintenance program to prevent flooding as set forth in the NOI.
- Allard will continue to maintain the fabric. Allard will continue to monitor the site so not to block the culvert.
- *Commission's Discussion, Questions and Concerns:*
 - *DG: When will the dam be removed?* It's currently frozen and will be done by hand when weather permits. It's at a low risk level at this time. Removing the dam involves a loss of sediment behind the current dam. Typically, a 6" portion of the dam will remain at the bottom to hold back the silt and mud. If the trapping program is used, then it must continue forever. If use a beaver deceiver, an acceptable level will be maintained by the deceiver. Then in about 5 years after the beavers have exhausted the food source, they move on and the dam can be removed in its entirety.
 - *DG: Why can't you remove some of the top of the dam rather than creating a larger notch?* The wider notch will temporarily reduce the water velocity so not to scour the bank. It's a better option as it can be done more quickly than by taking some off the top a little at a time as sticks are woven and packed with mud.
- *Discussion:*
 - Linda Seguin, a neighbor, is concerned that this has been going on since October/November and it was warm enough to work on the situation. GC confirmed that in January, the enforcement order was provided and the daily fining process started. Seguin is concerned that the dam is starting to stink now. EG: it will take some time to properly prepare the NOI due to engineering issues that will need to be addressed.
 - DG, GC, DB and Linda Seguin agree that all issues must be kept separate due to the appeal process which could drag out for year or so, of which we don't have the time to let that happen. It was suggested to Mocko that he can file an NOI, but we need to address the BOH and Enforcement Order issues as first priority.
 - *Seguin: Who will do the monitoring and when?* Per Mocko, Mr. Allard will monitor at times of run off and/or during storm occurrences.

Letter Permits (GC):

89 Shore Road, Gerald Giroux – Request to re-shingle a roof, side the house and replace a deck.

- Scope: re-shingle an existing roof, install siding on an existing house, replace all windows, and replace the deck on the north side.
- The footprint will not be changing.
- A dumpster will be located at the rear of the property (road side). Clean up at the site will occur on a daily basis.
- To use the existing footings for the deck, however if the footings needed to be replaced, the owner would do so and located in the same place as the existing footing.

Consensus: All in Favor. Applicant may start the project anytime. GC to prepare a letter within a few days.

324 The Trial, Matt Kibbe - Requesting a tree removal

- Documents Received: Kibbe provided a letter from Tom Chamberland with suggested plantings to meet the 2:1 replication.
- Reviewed the planting, shrub plan developed by Kibbe
- Reviewed pictures provided by Mr. Kibbe.
- CM excused himself from the meeting.
- Kibbe is requesting a 1:1 replanting ratio of trees/shrubs instead of the 2:1 as he has a lot of existing trees on about a ½ acre lot.
- 2 out of 3 Arborists recommended the oak tree be removed. Kibbe wants to remove the unhealthy tree as it's in close proximity to his house.

- Commission discussion:
 - Varieties of species suggested on the letter. Kibbe will plant shrubs that are proposed and suggested by Commission based on Chamberland's recommendations.
 - EG: wants the tree to remain as it provides shade to the lake.
 - DB feels the canopy from the tree won't affect the lake as it resides 100' away from the lake. Likes the planting plan reviewed with the proposal of planting one tree and a variety of shrubs to make up the 2:1 ratio. Red maple and shrub is good for habitat and is not invasive.
 - JK feels if Kibbe can nurse the tree back to good health, he would prefer to leave it, but understands the risk to the homeowner.

Motion to cut down (2) trees with a 2:1 replacement ratio. Vote: 2 Yea 2 Nay. The oak tree near the house must remain and can be pruned, but the maple can be removed. Kibbe inquired about an appeal process.

A request for a continuation of this meeting to the next meeting on March 20th ; in order to have a full quorum along with the arborists in attendance. Request granted.

Forest Cutting Plans: Hull Forestlands, LP South Road & Taylor Road

- 182 acres with new crossings near west side of South Road
- Site visit requested (JK and GG)

DB requested a continuation of this cutting plan review; pending site visit. Request granted.

Correspondence:

146 Lane Eight, OOC; Lynn Eckhart & Louise Phazen – Boathouse and deck

- Current Plan doesn't show this change but would like to install wood siding over existing structure. Request to add this to the plan.

Consensus: All in Favor.

Agent Report: Not discussed

Old Business:

506 Main Street (Rt. 20) - Steve Garafalo, Garafalo & Associates c/o Cumberland Farms. To explain the methodology used to determine seasonal high water table at this location.

- Revisions were made to the infiltration's basin during construction of the previously approved basin. MASS DOT wouldn't approve due to new regulations regarding the water going into the system. These new revisions were the only option as the original basin was smaller.
- In early January, a contractor started to install the basin in the North West area, where they hit ground water. A test hole was conducted close to Main Street. Area had received over 5 ½" of rain. Distance to groundwater measurements were 590-584 so the system couldn't remain as originally designed. Therefore it was shifted further south.
- Test pit performed by the contractor, closer to Main Street. DB was concerned that they looked at extrapolated data instead of the raw data. CFarms was following the DEP regulations initially and felt they were fine. EG asked about the ground elevation at a 590 test. It was approximately 598.5 = 8 ½ - 10' below surface.
- Oil water separators are located within the system; this is not a change to the plan as it was previously approved.
- DG commented that this type of design has never been presented to the Commission before, thus the concern.
- No additional questions from the Commission nor the audience

Consensus: All in favor

New Business:

- **Meeting Format:** DB suggested reverting back to the meeting format prior to GC coming on board. He feels it might abbreviate meetings and answer a lot of questions ahead of time. All agreed to start the new format at the next meeting.
 - Old process:
 - Material submitted to GC, the Friday before the meeting date.
 - NOI and RDA – are submitted 3 weeks prior to meeting date to review completeness, draft the legal notice and put on the agenda.
 - Letter Permits – don't require a legal ad, therefore must be submitted prior to the meeting date.
 - At the meeting:
 - The agent will read the application, and then submit the application to the Commission.

- The agent would give a summary of the project; submit an opinion on the project as to how it meets performance standards, things to be aware of etc., all prior to the applicant speaking.
- Applicant can present or answer questions.

Next Meeting: Thursday, March 20, 2014 at 7pm

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