

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, April 3, 2014
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 6:00 – 7:45 pm By Law Review; working session for Commissioners
7:45 – 8:00 pm Recess
8:00 pm Reconvene Meeting for Regular Business

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

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk
Applicants and/or Audience Members: Leonard Jalbert, Jason DuBois, Donald Frydryk, David Sweetman, Bill Shaheen, Robert Lebow, Aidan Foley, Anne Reitmayer

Committee Updates:

- **CPA – (EG)** Not Discussed.
- **Trail Committee – (DB)** Not Discussed.
- **Lakes Advisory Committee – (DG)** Not Discussed.

Approval of Minutes: March 6, 2014 - Motion to Accept: EG 2nd: DG Yea:3 Nay: 0
November 7, 2014 – Motion to Accept: EG 2nd: DG Yea: 3 Nay: 0

Walk-Ins:

328 The Trail, DEP#300-892 Leonard Jalbert, Jalbert Engineering representing Rocco & Donna Falcone. Requesting a minor amendment to the original OOC to build a pervious paver patio in the Buffer Zone.

- Agent Briefing: Change in landscaping with a new pervious paver patio in the buffer zone. seeking a "minor amendment" to his OOC to build a pervious paver patio. Part of this patio is in the 50' buffer.
- Commissioner's Comments, Questions:
The changes being requested:
 - pagoda and hedge entry: rotated for access to the house
 - propane tank: 500 gallon to be installed underground
 - fieldstone walking path: to rebuild a portion of the path; to enhance the existing path.
 - Permeable area: add stone pavers to recharge pit for drain off from the house. The fire pit area has a corner that is within the 50' no build zone. DG: Pervious pavers must be maintained.
 - This is shown in Plan, Rev. 6 shows the construction detail; and elevation.
- Commissioner's Comments, Questions:
 - GC: concern with building within 50' buffer although pervious pavers will be used. 2 River birch trees have been removed from plan. Suggest keeping them, as they will provide shade on the water. Request to plant these trees close to the water.
 - DG wants the fire pit moved out of 50' buffer, LJ stated that the new pit would help run off better than the current impervious surface.
 - JK feels they knew about the buffer zone. LJ will have pit location moved and the trees will stay. The trees were not on the approved plan, Rev. 3 nor in the OOC. In the new plan, Rev. 6 the trees had been shown, then were taken out at the last minute.
 - Commissioners are in agreement of these changes: the propane tank, the path to deck and pergola/ hedge line. The commissioners do not agree with fire pit/pavers in the 50 buffer, request to remove it out of 50' buffer and want a revised plan before starting.
 - GC feels that building within the 50' no build zone is prohibited under the bylaw, but this is a pervious structure. Requesting (2) River Birches to be planted at the water line, as they grow to about 60'-80' high and will provide apex. 30' of shading over the water.
 - DG/JK: Request to move the fire pit out of the 50' buffer. LJ will make the fire pit smaller.
 - EG: wants 2 trees left in plan (under rev 3, not on the original plan),

Decision: LJ will submit a revised plan to ConCom showing the changes of the trees and the fire pit prior to starting work.

One Old Sturbridge Village Road, NOI DEP#300-896. Bill Shaheen, OSV representing Brad King, OSV – request to add another well to help with draw down.

- Request to add another well to help draw the groundwater down. One well was not sufficient to draw the water down to an adequate level. This new well would be located further west of sluiceway at the Carding Mill.
- OSV achieved good draw down in one area near the grout curtain will be installed. This second well will help draw down the additional area. Shaheen feels that OSV will only need (1) 36" dia well for future use, and that the second well would be temporary. Currently using a 5 horsepower motor. They are unable to use a bigger pump since the water isn't flowing in fast enough. If a bigger pump is used water will not flow in fast enough and it will burn the well pump out. The water gates were just opened at East Brimfield Reservoir; water is currently flowing at 800 cubic feet/second. OSV will provide an updated plan.
- GC: Concerned that OSV can't draw water down fast enough. Will clear water be pumped into the lake? Sheehan said the water being pumped into the lake is running clear. GC feels that OSV could follow the original OOC issued for the single well as the 2nd well is identical to original well. OSV will submit paperwork to GC in a few days.

Decision: Commissioners all agreed to sign the revised OOC once made available.

Public Hearings:

8:00pm RDA, 400 Haynes Road, Jason DuBois (JD), Bertin Engineering representing Pilot Travel Centers. Landscaping in the buffer zone.

- Agent Briefing: Request to perform some landscaping within the existing traffic islands in the parking lot. The work is in the buffer zone. They are proposing to protect the storm drains during the work with Straw bales. They want to know if the work is subject to Wetlands Protection Act and the Wetland By-law. . (3) catch basins protected w/hay bales. All other basins are now protected per Agent's request. GC requested oil separator maintenance logs, which were provided showing monthly inspections. .
- Documents Submitted: Abutters' Notification and the Tear Sheet
- Commission's Comments, Questions:
 - GC: Will there be any maintenance on the catch basins and where do the catch basins go? GC saw a pipe discharging to water on site visit, but not sure where it was discharging from. From the site visit, it may go directly into the pond in the back? Will the curb be repaired? JD submitted a new plan for the catch basins. JD will follow up on that discharge pipe as he is unsure if it goes into the oil separate like the others.
 - Per JD, Sod will be replanted when season is right at the damaged curb. JD will pass along to the landscaper to address. DG is concerned that trucks will continue to run over it and sediment continues to go into the catch basins. Perhaps additional signage may prevent this, but also must physically prevent drivers from going there. JB suggested bollards or reflective tape and will suggest to Pilot.
 - EG: The stone wall/retaining wall seems to be in rough shape.
 - Per JB, Pilot wants to replant all the islands with various perennials as noted on the plan as they are widening the entry way. This is outside the 200' buffer zone. Trying to make the rest of parking lot look better.
 - Pilot will add silt sacks to catch basins and hay bales around the basins in that area. All details have been updated on the plan.
 - EG: needs answer on the ballads.
 - GC: suggested to issue determination with requiring the ballads and that Pilot will also pick up the existing garbage.

Motion: DG close the pub hearing and request for determination, to issue a negative determinate under the MA Wetland and by law with the addition of installing bollads to keep traffic off the grass and use silt sacks and hay bales around catch basins and maintain areas around wetland free of garbage: DG 2nd: JK, Yea: 3 Nay: 0 Vote: All In Favor. Discussion: None. GC: To recommend to the Commission to issue a negative determination #3 for work in the buffer zone and there will be no filing of a NOI and to issue a positive determination #5 for work subject to review under the Sturbridge Wetland By-law.

8:15pm NOI 214 Charlton Road DEP #300-895, Don Frydryk representing David Sweetman. Construction of a stormwater infiltration basin in the buffer zone.

- Agent briefing: This is a continued hearing from the March 6th meeting; due to snow Commission was unable to view delineations. This is a conversion of a SF house to a medical office with 12 parking spaces. Also the construction of a stormwater infiltration basin located in the rear yard; which is in the buffer zone. The work is outside Riverfront Area (RFA) but it is within the buffer zone. No large trees will be removed. The lawn in the rear will remain open. There is

no run off from Rt. 20. New storm water calculations were submitted, as requested. These calculations were more extreme than originally calculated, but the original design can handle any increased flows.

- Commissioner's Comments, Questions:
 - JK: satisfied with what he observed during the site visit
 - DG: concerned with the snow storage in the infiltration forebays. GC: forebay is specifically designed to catch the silt. DF can relocate it behind the tree. He will revise the plan.
 - DG: Channelized stream on other side of the stone wall. Can we include a "no mow" zone? The stone wall will remain.
 - EG: Requesting the revised plan, show the RFA delineation. As the site visit showed evidence of moose dung and osprey, EG wants RFA delineated and left undisturbed. Permanent markers will be installed. DF will revise the plan. What will be done about the septic tank? This is an old septic tank which if not already done, will be abandoned, break the bottom and will be filled in as per Title V Regulations. This will be made part of the OOC.
 - DG: At a recent hearing with the Planning Board, changes were request for a wood guard rail and to promote a "one way" out with a radius to promote right turn only onto Rt 20. The plans will be revised.

Motion to approve NOI DEP#300-895 as presented by applicant with an amended OOC to include the above mentioned items: JK 2nd: EG Discussion: None. Vote: All in Favor.

Enforcement (GC):

31 Shore Drive, Gary and Margaret Allard

- GC made a site visit on Monday, March 31st and took photos after the heavy rains. Water was lower than expect.
- GC made a site visit on Wednesday, April 2nd, at the request of Mike Mocko and Gary Allard. This was to discuss corrective measures; however nothing new had transpired than what was previously requested of Allard in the Enforcement Order. The dam is still frozen as Mocko tried to remove some off the top. Allard started to discuss the NOI however, GC requested that anything Allard requests should be put in writing. Allard continued to press on that the NOI will include 3 items: a beaver deceiver, dredging the lake and implementation of the Bertin Plan. GC reminded Allard that that the Enforcement Order still is in effect with a \$100 daily fine.

Letter Permits:

324 The Trail, Matt Kibbe – Requesting a Tree Removal. Request to continue to the next meeting as applicant was unable to attend this meeting.

52 Mt. Dan Road, Robert Lebow – Request a Tree Removal.

- Scope: To remove 3 trees that are dead, contain bore holes. Trees were marked for a site visit.
- Site visit – no issues with this request. Found the trees are dead.
- Can remove the trees at your leisure. Cannot stump them as they are holding your embankment in place.

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

Certificate of Compliance:

5 Kaitbenski Drive, Brian Arcoite DEP#300-791 Request for a Certificate of Compliance – Construction of a Sun Room

- Site visit conducted by agent in March 2014. Commissioners signed documentation.

Forest Cutting Plans:

- **33 Putnam Road:** a new plan with 5 stream crossings, 35 acres. DG wants to go on site visit.
- **Hull Forestlands, LP South Road & Taylor Road:** 3 wetlands crossings, 182 acres, no trees have been marked. The cutting plan was approved by the State Forester. Permanent crossing installed; with abutments/footings on either side, for a temporary bridge. After logging is completed the bridge will be removed to deter ATV's. However they will need to file for the semi-permanent crossing. The agent has received the NOI. There is a CR on this land.

Agent Report:

- **Hamant Brook Dam Removal:** The OSV parking lot permit will be incorporated into this work order when it goes out to bid.
- **Mt. Brook Road:** Site visit was made. Found the need for headwall details. Greg Morse, DPW is filing a NOI. Planning on attending the next meeting.
- **Mt. Dan Road:** Sewer main break. The DPW contained the sewage, to the site with the use of hay bales. A sewer connection failed at the location of a new house being built.

- **DCR:** approved a forest cutting plan at Wells State Park. NHESP feels there is “no take” there.
- **21 New Boston Road, Proposed Hotel:** NOI has been filed and will be on the agenda for the next meeting. Discussing impacts to isolated lands subject to flooding and isolated vegetated wetlands. VHB, an environmental firm from the Boston area, has determined that this is not a vernal pool.
- **120 Lane 10, Doug Vizard:** Burning brush on the peninsula. ConCom at a previous meeting, denied work in this area. A letter was sent to Vizard asking him to select a new area. A site visit on March 19th, made from lake (as it was iced over) saw smoke and alerted the Fire Dept. They arrived on site. Consequently they may have pulled his burning permit.
- **MACC:** DG was recognized for completing the MACC Fundamentals Course for Conservation Commissioner.
- **Stony Brook Parcels:** the acceptance document of this conservation land requires signatures. Commissioners signed document.
- **Camp Robinson Caruso:** Video at OSV Theatre, need tickets in advance for this Saturday’s event,
- **Summons:** Received from Gary Allard. Requesting dismissal of 1) the BOH order, 2) the Enforcement Order, 3) the Emergency Certification and the Fines. Also requesting the town to be responsible to maintain the culvert.
- **Cumberland Farms:** CF had to install a grate in front of the 24’ culvert to prevent children crawling into culvert. Heavy rains this past weekend, produced litter coming down the brook. Thus it collected debris and flooded the immediate area. No damage was done and all was contained on site. Site visit to inspect silt fence.
- **Currently Open OOC within the Town:** Please note that Agent will be making a lot of site visits now that snow has melted. If anyone has an open OOC, we have the right to enter property in compliance with the OOC, at any time to make an inspection. Please make sure that the DEP sign is installed and that erosion controls are in place.
- **Town Wide Neighborhood Clean Up:** Earth Day is April 22nd. The town wide neighborhood clean-up will be April 26th and 27th. Please call ConCom to set up areas to clean. The DPW will pick up the trash that following Monday and Tuesday.

Site Visits:

- **96 Allen Road, John Elliot:** installing a path to the water. Cleared area at shoreline will be 22’ long (10% of the shore line). Elliot will flag the saplings he wants to cut down. He is available to meet ConCom Tuesday, Wednesday and Thursday after 4pm.
- **21 New Boston Road:** Prior to the next meeting, DG wants to look at crossings. The NOI package and plans are available in the office. To take a look at the isolated wetland. Structure is over 100’ from the wetland but the stormwater structure is close to that 25’ no build zone.
- **Bluewave:** DG is going to check out the crossings.
- **Arbutus Trail Relocation DEP#300-780 Amended OOC:** Signatures are required. Commissioners signed the document.

Old Business:

Bluewave Solar, DEP#300-888. Aidan Foley & Anne Reitmayer of Bluewave. Project discussion, various items including erosion controls and phasing of the project.

Agent Briefing: BW to discuss the following revisions to the plan based on a site visit on Tues, April 1st. ConCom received revised plans with arrays 1,4, 5, the temporary crossings and the silt plan.

- Bluewave (BW) would like to use standard erosion controls rather than the super silt fence.
- BW requests to run some of the electrical connections above ground rather than in conduits at array #1. GC advised that BW must get approval with Zoning as the by-law (29.6.1) requires lines to be buried.
- BW would like to discuss the high water at the two crossings and are requesting to use a temporary crossing until water levels are down enough to do the work safely.
- Documents submitted: BW Technical Detail Drawings Package dated April 1, 2014
- These proposed changes to this project were made by contractors, now that the project going out to bid.
- Sun Edison finances these projects. They make an efficient solar panel which can reduce the footprint of the system without affecting the solar power output. Therefore, BW can eliminate array 2 and 3 without affecting the solar power generated.
- Crossing: Roadway was viewed by contractors as too expensive and over constructed in using the geo cell product and crushed rock. Super Silt Fence was also excessive. Based on the topography of the site, contractors didn’t see that it was needed. Felt a standard silt fence is adequate based on other projects.
- Fence Height: A 6’ ht. security fence offers the same design intent as an 8’ ht. fence.
- Medium Voltage Wires at array #1, be above ground which would reduce digging, construction time and cost.
- Inverter at array #1: At the point of interconnection, it doesn’t make sense to BW and contractors agree with that. BW is currently looking to move closer connection and the street which may eliminate appx. 500’ of overhead wiring.

Commission's comments, questions:

- GC: The Commission should not be concerned going with a 6' fence rather than 8' fence, however we need to maintain the dimension under the fence to allow for habitat migrations. With regards to the inverter at array #1 being relocated closer to the road, it does make sense to do this as it would be a shorter run of overhead wires and save the tree canopy by the road. Not familiar with super silt fence and its application however it seems that it's a super erosion control. Properly installed standard erosion controls that are being adequately maintained will work. The super silt fence being used in certain situations has a benefit. The narrow confines of a wetland crossing would be a good location to use the SSF. The waffle-type structure under the road is useful in high traffic area, but this road really won't be used much after construction is completed. Seems like overkill for what is needed.
- JK: concerned with road and how come the peer review thought it as ok. Questioned why this wasn't brought to our attention before it was approved as being adequate.
- DG: Issues at the crossings is the high water. Thought it would be done during dryer times when it would create less impact. BW: Trying to get some relief on dates, but not sure this can happen at this point.
- EG: Disappointed as we have spent a lot of time on this project but feels that we can resolve some of these changes. The fence change is not a concern, however a new road and the wires is concern. Feel these changes are too extensive without receiving a full set of plan revisions. Regarding the temporary crossings, we feel they should be done at an appropriate time. We approved the plan and had 3rd party of experts that BW paid for to review this. These changes need to be illustrated in the entire plan
- BW: Agreed that they are disappointed with their performance and with their development team. BW wants to discuss the proposed value engineering changes. We have a narrow construction window at this time. The road and silt fence designs were rushed. BW personally feels they didn't select the correct engineers that are used to working with budget constraints of a solar project.
- DG: Concerned with these changes. Not comfortable with the road change, as she feels it won't be stable and won't be protecting the water resources.
- EG: How do we move forward? Ok with making changes, but not a lot of changes. Feels wires should be buried and crossings should be taken care of. Not comfortable with the idea, because we haven't been shown how to cross in the short term.
- BW: Doesn't have a detail plan tonight to address that.
- DG: Are the culverts being changed? BW: No.
- BW: National Grid, the utility company, will do all work above ground and will have to come in front of each board. more than likely will be above grade. EG noted that was discussed and expected.
- EG: The fence heights in other areas are mixed heights. Will it be deer resistance? BW: No. EG: So what is the point of 6' vs. 8'. All of this information must put together on a plan, as there are too many changes to approve tonight.
- BW: Without any relief on the dates, as the current completion date is June 30th, there is no way to make that date unless construction starts soon. BW is concerned that we are losing time with more meetings.

Commissioner's Discussion:

- JK: feel the fence change and having the wires above grade are minor, but the other two changes are major and not comfortable with at this time.
- DG: feels that there is not enough information with these big changes and has concerns with wetlands and water resources. Having more poles are disappointing as we thought all wire were underground. Now feels all the good things have now been changed. The biggest concerns are the crossings and the road. BW: The fence and voltage work happens later in the project. Moving the inverter pad can possibly be planned around now so to allow a formal review of that proposed change. The first work is the silt fence and road construction. EG: BW would have to review the original OOC as the hay bales go in first; OOC has already been agreed to.
- EG: Doesn't want plans via piece mail, want a complete picture. OK with the fence change from 8' to 6'.
- GC: Agree that process has not been good since day one, but feels that some things aren't troublesome. So we should put the problems behind us now, and we have a plan with modifications:
 - Super silt fence: ok with approving.
 - Ok with the height change of 8' to 6'
 - Overhead wires: Will ask the question if this will impact the resource areas, and why make a fuss if we chose one over the other. If run overhead there would be less soil disturbance.
 - Road change is a concern. Does that road have a negative impact to resource area? GC put a call into Art Allen to get his input, but no call back yet.
 - Tonight let's look at each item as how it will impact the resource area and move forward. EG: agrees with this but need to see on a plan and still has a concern with the road. A town by-law will now be violated if we allow wires to go overhead. EG: will review plan for the next meeting.

Decision: Change fence height from 8' to 6' – All in Favor. Balance of remaining items proposed by BW must be shown on a plan first - All in Favor. GC will get the plan in time for the April 17th meeting. BW thinks this meeting might be too late. BW will show on a revised plan: changes in road construction, inverter location, temporary road crossing and details of the erosion controls. A request for a continuation at the next meeting; if they can get some date relief.

New Business: None.

Meeting Adjourned: 10:10 pm **Motion:** EG **2nd:** DG **Vote:** Unanimous

Next Meeting: Thursday, April 17, 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