

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, April 17, 2014
Sturbridge Center Office Building, 2nd Floor**

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

Quorum Check: Confirmed
Members Present: Ed Goodwin (EG), Chairman **Members Absent:** None
David Barnicle, 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: Heather Hart, Matt Watsky, Nancy Gottheb, Alan Peppel,
Jean Solaroli, Betsy Calvert, Patrick Doherty, Jay Patel, Hema Patel, Shashin Patel, Dina Patel,
Jaimin Patel, Kamlesh Patel, Matthew Kibbe, Penny Dumas and Paul Rosenbloom

- Committee Updates:**
- **CPA – (EG)** Did not meet.
 - **Trail Committee – (DB)**
 - Conditions are too wet for any trail work to take place this Saturday, the 19th. However, if any volunteers would like to do some work in clean up of the Riverlands this Saturday, please meet in the OSV parking lot at 8am and bring gloves.
 - Future Work Days are scheduled for every 3rd Saturday of the month. Meet at the Shattuck Rd entrance at 8am.
 - MEPA meeting with all interested parties to discuss the dam removal project tomorrow morning.
 - **Lakes Advisory Committee – (DG)** DG unable to make the last meeting however is still hoping to start discussing Lakefront zoning. Sturbridge Lake Association (SLA) will hopefully be monitoring the lakes.

Approval of Minutes: April 3, 2014 – Motion: JK 2nd: DB Vote: Yay: 2 Nay: 0 Abstained: DB, DG and CM. Must take up a vote at the next meeting.

Walk-Ins:

114 Leadmine Lane, Matt Watsky. Request the removal of 4 trees in the buffer zone.

- **Scope:** (1) Red Oak, overhanging the house; (2) Red Maples, which contain rot in the trunks; these are located near the shoreline and (1) Red Maple, which has roots growing above ground and the trunk is hollow and rotted; this is located near the property line/hay bales.
- Photographs were reviewed. Watsky would like to do some replanting along the side of the neighbor located at 118 Leadmine, as this lot has been clear cut to build a new house. Proposing: Gray Birch, Coral Berry, Mountain Laurel and Wild Hydrangea.
- Commissioner’s Comments, Questions:
 - All commissioners approve the removal of the Red Maple near the hay bales due to its health, root structure.
 - JK: Red Oak near the house, would like to see that tree remain as it’s healthy, however recommend pruning it. Maples near the shoreline, feel they are healthy, not a high risk and should remain.
 - CM: Red Oak near the house, agrees with JK. However, felt other trees on the lot (not discussed at this meeting) maybe in decline. Maples at the shore line, although there is some interior cavity damage, still vibrant trees and should remain. Feels that these trees are an asset, not only with providing shade on the water but with the net cooling of the overall area. Recommend consulting a certified arborist if there is concern with his recommendation.
 - DB: All other trees should remain as these are in a 25’ no touch zone.

- EG: (2) Maples at the shore line, may agree with their removal if there is an agreed replacement plan. How close is the tree to house? MW: appx 6-7 feet.
- DG: Any problems with roots affecting the foundation? MW: not known of any issues yet, but concern.
- DG: Are these the only two trees MW: no, many trees exist in this area.

Consensus: Granted permission to cut (1) tree at hay bale and plant a Gray Birch or similar tree as a replacement. The other 3 trees are to remain.

94 Paradise Lane, Alan Pepple. Request to regulate roof run off.

- Scope: to add gutters and a dry well to help eliminate erosion into the lake. DB feels it may have been an error on their part to suggest a drip strip due to slopes involved. Proposing to collect water via gutters, then it would flow into a dry well. DB feels it will reduce the flow and thus no worries of erosion.
- CM: Who proposed this option? AP: Proposed by the builder/landscaper. The well would be 4' dia. X 3' deep or until hits water table.
- GC: Is outdoor shower used? AP: Yes, for the dogs, but would like to drain into the well if possible. DB: Outdoor shower shouldn't channel to the dry well or the lake as it's gray water. Use pea stone, to help with the drain.

Motion to accept the minor change of the plan without a drain of the shower to the gravel leach pit: DB 2nd: CM Yea: 5 Nay: 0 Vote: All in Favor

Public Hearings:

7:30pm NOI, 21 New Boston Road DEP#300-897, Patrick Doherty (PD), MidPoint Engineering representing Patel Family. Proposed hotel development.

- Agent Briefing: Request to build a hotel, restaurant and bank. Work will involve the filling of an isolated vegetated wetland (IVW) or isolated land subject to flooding (ILSF). DEP commented on the categorization. The fire access lane behind the building will involve filling in some of the IVW or the ILSF. Planning Board peer review comments are in the Commissioner's packets.
- Documents Submitted: Abutters' Notification and the Tear Sheet
- Scope: F/K/A American Motor Lodge. Hotel: 3 story, 77 rooms. Restaurant: 50 seats. Parking Lot: 79 spaces and a Bank. Access Point: New Boston Road. Revised plan was handed out at the meeting this evening showing the revised fire access lane.
- IVW is not regulated by the state, but is regulated by the town. Some areas are very small; more subject to ground water than surface/store flow water. Stormwater calculations show that it could hold 8500 CF.
- Pipeline: Cost to relocate the pipeline is too great, so it must remain in place. Therefore we can fill, cut the grade above it minimally and must cross the pipeline in a perpendicular fashion only.
- Resource Areas:
 - Plan has held the 25' no build zone and held the 50' no new structures to buffer zone regarding the IVW.
 - Impact area is appx. 4000 SF, believe that the bylaw allows some impact to the wetlands. In review of the bylaw, PD feels this area is categorized as isolated land subject of flooding. Look at impact if increase flooding or if categorized as a vernal pool. Study done to see if vernal pool, and was not deemed as such and no mitigation is required.
 - Mitigation area (if required): If it's considered a wetland, need to be near a water table. Only feasible area would be near the resource area, near the 25' no touch zone. Drainage calculations show overflow to Cedar in 100 year storm event, no real impact found. DEP stormwater regulations. This plan is designed for low impact techniques. These requirements would be swales, underground recharge chambers and a bio retention area. Mitigation will occur based on what this site is categorized as. IVW or ILSF.
- Landscape: remove some trees within the existing grassed area and will replant 200 new trees. Lighting will be LED and dark sky compliant, which does have some impact on the resource areas (within bylaw standards).
- DEP comments: How will this project be categorized: IVW or ILSW? If it's categorized as IVW, then would recommend a mitigation plan.
- Commission's Comments, Questions:
 - GC: IVW is recommended from DEP. Fire Chief must request an access lane of min. of 18' wide, no closer to 30' to the building for a 36 ton ladder truck to access this 4 story structure (including the basement). Flooded area to hold estimated 5000 CF. Site constraints of wetland in the area, agree 10' that would be satisfactory (36' overall). Flow towards the cove which is picked up by 2 inlets, based on a 10 yr storm calculation.
 - If IVW, the ground water at its highest won't hold at a 100 yr storm which will go toward Cedar Pond. There were no hydric soils found as stated in the report so is it surface water or ground

water? PD – majority is ground water. VHB didn't see evidence of a vernal pool but also thought it wasn't at the best time of year for this evaluation. ConCom feels it's fairly deep and if it's ground water then it will remain a while. Concom has a concern that it's a vernal pool. PD to check in 2 weeks to reconfirm this pool. A test was conducted 4 yrs ago – no species present and was revisited recently, thus found it's not a vernal pool.

- Flood Storage: if we lose ½ of it; will the change flow toward IVW? PD: Now the flow is toward bio-filtration area which would mean less stormwater.
- Bio-Retention Area: excavate material and fill with species that absorb nutrients etc. For this location: 1st layer: peripheral barrier, 2nd layer: stone, 3rd layer: organic materials, 4th layer: planted species. GC: Fore bay will then be used? PD: No, an under grade chamber system will use a stormwater structure that will remove oils and sediment before it's discharged. The system would collect roof and parking lot run off by swales, then to a filter. The underground would pick up and discharge into the lake. There are no catch basins here. The energy spacer is a rip rap material 10'x10' won't scour a hole. It will spread the water energy to flow less quickly. The catch basin will serve as overflow for emergency grass area behind the hotel will go towards the lake.
- DG: Sheet flow from the rear of the hotel to land subject to flooding wall will be flush at grade and run over wall. Highest wall is 4'0".
- CM: Grass strip behind – interior filled with structural granular fill and gravels and top where the fire lane is ... what is used there? PD: 2" of fill with grass mixture found that this solution works. CM wants to see some supporting materials. PD: will send some examples and info. OOC – stipulated no fertilizer (non-phosphorous fertilizer can be used only).
- DG: Surprised not a vernal pool. Ground water – large area sitting wet. PD: that's storm flow, based on elevations. Done test pits due to water table at 580 elevation = isolated land subject to flooding.
- DG: Clarify Replication Area: PD: not fully developed. Graded similar to isolated land subject to flooding area. Raise up about 2'0" soil Storage = 2x more and extends 2x more of the area.
- DB: TSS removal percentage = 94%, 94% flow to swale, 89% to underground. Feels that it's illogical to tear trees down, feels vernal pool then will be protected. Proper season in the next 2-4 weeks. PD: VHB feels not done in the proper season. Will revisit if as feels meeting will be continued. Water quality swale (Rt. 20) 4' wide, 6"-2' varies height (used 10 yr storm as a check).
- DB: Concern with sand during winter months used and run off and swale will be filled in a few years. PD: feels it will get trapped, but won't get suspended. Snow will be stored at perimeters of parking lot.
- EG: concern with snow in the parking lot area by the lake. Patel: That is how they proceed in Auburn with wetland there too, same area.
- EG: critical issue of whether we have a vernal pool or not. In the past we have treated it as a vernal pool with neighbor. Ok with a Peer advisor confirming this first. Concom agrees. Good time to do this now as it won't hold up the project. Under Sturbridge Bylaw a vernal pool until proven otherwise.
- DB: Point of release? PD: That area, upper green corner, no more erosion with decreased storage than it is today.
- JK: necessary isolated wetland and/or isolated area of flooding (extent to where water rises). PD: Bylaw definition, not a peer review. Feels it's a small strip of isolated wetland. Request info on a peer review and timing: EG: VHB was used in the past, but would like a second opinion with another engineer. GC to recommend. Must be completed by next meeting due to timing.
- Audience Questions:
 - Jean Solaroli, has lived nearby for over 35 years. Hears peepers and that area is wet 6 – 8 months out of the year. Spotted salamanders and deer during these months. Feels it's a vernal pool and wants it to be conserved as such.
 - Paul Rosenbloom, lives nearby and feels it's a great opportunity.

Motion: To request a continuation of the public hearing to the next meeting on May 1 at 7:30 pm: DB 2nd: CM Discussion: Replication Plan to discuss at the next meeting. Vote: All in Favor

Enforcement (GC):

31 Shore Drive, Gary and Margaret Allard

- EG & DB made a site visit on Saturday, April 12th continuing to work on the dam by hand.
- Dudley District Court set a hearing date for May 7, 2014 to discuss the non-criminal ticket violations. No court date has been set for the remainder of the summons.

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 and wanted a quorum vote. Large oak tree disagreement – (4) arborist reports. JK (email, not a full report), Bartlett Tree, Tom Chamberland (Town Tree Warden, Certified Arborist), Brady Yacek (Arborist). All arborist reports state that they would recommend tree be removed.

- JK: clarified his email that he agrees to remove tree if, Kibbe doesn't do anything more with the tree. Value of that tree is \$30,000 if you were to purchase it. Feels the tree is healthy.
- MK: Town sewer trench dug in 2001 is about 4' from the tree and concerned that it may come down in a storm and hit his \$800,000 house. The tree height is 90'.
- EG: feels there is no logic in the sewer trench, but feels the roots are damaged.
- CM: Did the arborist promote the health of the tree? MK: They noted the damage of a "V" crack in the tree. If it was a "U" that would make the tree stronger. Due to the sap area, can't save the tree.

Motion: To allow to cut the tree and replant as per the agreed upon planting plan presented at a previous meeting: DB 2nd: CM. Yea: 4 Nay: 1 (EG) Vote: Yea carries the decision. GC will provide a Letter Permit in the next week. Can grind stump or cut flush to ground.

3 Library Lane, William McClurg: Withdrawing his current plan, and request as the Fire Chief requested a pad and strap for the installation of the proposed underground propane tank. Applicant decided too much digging and will revise his plan. Coming in to discuss with ConCom at a later date.

Certificate of Compliance:

Request for COC: the file is in the Safety Complex. Working to pull that file out. Continued to the next meeting.

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. Site visit scheduled for tomorrow at 6:30pm with GC and JK. The time of day was to accommodate Sturbridge residents..
- **Hull Forestlands, LP South Road & Taylor Road:** 3 wetlands crossings, 182 acres, no trees have been marked but approved cutting plan. 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 permanent crossing. The agent has received the NOI. There is a CR on this land.

Agent Report:

- **Lot #19, Draper Woods, Tim Reardon.** Starting to build a house. Concern with erosion controls, as it's been an issue in the past. GC is requesting:
 - Clearly illustrated erosion controls and grading plan noted on plan at 1" = 20' scale
 - Anti-tracking pad to be used
 - DEP # identified on the lot (not at the bottom of the road)
 - Will be taking a site visit.
- **2 Harding Lane, Joseph Barry:** Issue of landscaping too late and no erosion controls in place. Landscaper has responded and installed a silt fence, but too wet to seed.
- **Deb Gardiner, Heinz Farm:** Hayfield cutting contract will be signing shortly. Starting work shortly.
- **Trails Committee –** GC has notified Fish & Wildlife that the committee will start their work weekends for every 3rd Saturday of the month. GC notified F&W to have a meeting with ConCom, Trails Committee and F&W to review all trail work at Leadmine for May 15th. Purpose of meeting will be discussing the course of trail work at Leadmine and number of trails out there.
- **Conservation Restrictions (CR):** Bob Levit is working on 4 parcels, utilizing the documents the Conservation Interns have gathered along with past information from former agent, Erin Jacques. Almost completed with Long Pond.
- **272 – 274 Big Alum Road, Joseph Candelaria:** Drainage problem with the ice. Reviewed the plan and the OOC. The drainage flow was not graded property. Spoke with the owner, they will re-grade it.
- **Hamant Brook Dam Removal:** The OSV parking lot permit will be incorporated into this work order when it goes out to bid.

- **Hyland Orchard:** Started work and hit ground water as suspected. Starting to set up dewatering measures located in the fields opposite from the wetlands. Then will start to install tanks next week. Site visit will be conducted before work is started.
- **Summer ConCom Meeting Schedule:** Last year we met every 3rd Thursday. Should we do the same this year? It was decided to wait until July to make that decision.
- **Town Warrant:** If approved, Conservation will be given 2 land locked parcels that contain 91 acres. 45 Champeaux Road is the location. It currently abuts Long Pond conservation area; along the Brimfield line.

Site Visits:

- **96 Allen Road, DEP#300-881, John Elliot:** installing a path to the water. Cleared area at shoreline will be 22' long (10% of the shore line). More questions to discuss with Elliot, continued for the next meeting.

Old Business:

DB: Regarding a request by and applicant to change an OOC and then they withdrew the application. Moving forward is there any reason to change the OOC if it does not clearly benefit the wetlands, then we shouldn't reconsider it. However, if it remains the same or has less impact to the wetlands with this new design change, then we should allow the change.

New Business: None.

Meeting Adjourned: 9:45 pm Motion: CM 2nd: DB Vote: Unanimous

Next Meeting: Thursday, May 1, 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