

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, May 15, 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: David Barnicle (DB), Vice Chair
Donna M. Grehl (DG)
Calvin Montigny (CM)
Joseph Kowalski (JK)
Members Absent: Ed Goodwin (EG), Chairman

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk
Applicants and/or Audience Members: Michael Loin, Don Fairbrother, Howard Fife, Ky & Twei Nguyen, David Melican, Logan Melican, Nancy Blogg, Bruce Gran, Steve Bressette, Bev Litchfield, Kamlesh Patel, Jayesh Patel, Betsy Calvert, Paul Rosenbloom, and Patrick Doherty

Committee Updates:

- **CPA – (EG)** No update.
- **Trail Committee – (DB)**
 - Reminder: Trail Committee work day takes place every 3rd Saturday of the month at 8am until snow falls. Tree cutting approved for trail relocation at Camp Robinson Crusoe.
 - June 14, 2014: Town Wide Picnic Sponsored by Friends of Sturbridge Trails (FROST) at Camp Robinson Crusoe Beach Area, Open to the public with games, walks, BBQ. Bring your chair/blanket and food.
 - Naming Trials: 9 names have been submitted for the 20 existing trails posted on the map. Nominations for trail names are still being accepted. Please submit your suggestions via email to Randy Redetzke at rredet@charter.net.
- **Lakes Advisory Committee – (DG)** No update.

Approval of Minutes: May 1, 2014 – Motion with changes: DG 2nd: JK Vote: Yay: 4 Nay: 0

Walk-Ins:

38 Hamilton Road, Mike Loin, Bertin Engineering representing Ky and Tuoi Nguyen, requesting access through a wetland for a perk test.

- **Backstory:** Mr. and Mrs. Nguyen purchased this lot about 3 yrs ago, as part of a buildable lot in a subdivision created in 1988. This is a 5.5 acre parcel. Two parcels; one with a 90' entrance and the other is a front lot. Recently, Bertin Engineering went out to prepare to perk, start a layout for a septic design, and noticed wetlands present on the property. Bertin then flagged these areas on the property.
- **Documents Received:** ML distributed plans to each Commissioner.
 - The front of lot and access to the back land contain wetlands.
- To avoid crossing the wetland, the applicant approached surrounding neighbors requesting access over their properties to do the perk but all declined access. Therefore they will now need to request a wetland crossing to do the perk.

Commission's Comments and Questions:

- CM requested a site visit. CM: Was the property misrepresented when sold? GC: Mr. Dunn and Mr. Aho owned the property in 1987 and received an ANR plan but never came to ConCom to discuss further. Then they sold off the lots and now there is no room to reconfigure the lots to avoid a wetlands crossing. Feel it's a self-imposed hardship. ML: There is an upland area in the rear, for a house to be built. This will be outside 100' buffer zone. Applicant is proposing a culvert crossing or large arch crossing for a SF house. A temporary 12' wide crossing, perhaps how loggers do it with mats and light duty truck to work around any vegetation. We will not remove trees.
- DG: Does the wetland dry up? ML: During the fall, spring or summer I have not seen flowing water. This area is on a slope, not a low depression area.

- JK: If it's determined it's buildable, how can we make a driveway? ML: By using an arch culvert crossing for the driveway. On the side use stacked boulders to make a narrow footprint for the driveway. The front portion is already graded.
- DG: Can one put a driveway up to the property line. ML: Yes.
- DB: Width of the driveway? ML: 10' is the minimum width but they prefer 12'. DB: Do you need a variance from zoning. ML: No, as there is no set guideline, but it must conform to the radius of drive for fire vehicles. There would be 2' shoulder on each of driveway.
- DG: So then would you cut trees? ML: Yes, near the small stonewall and about 8'-10' up along the part of the rear side of the driveway.
- GC: I have viewed the area. but have a concern that there was an opportunity in 1988 to reconfigure these lots to avoid a wetland crossing and it was never done, and now that all the land has been sold, they want to cross a wetland.
- JK: I'm ok with letting them do a perk test as I've seen the site.
- DB: We would request a replication of 2:1, if we granted a crossing.
- CM: At the site visit, I would like to see the proposed entry point, the route of the excavation equipment, to see where the equipment is going, the location of the proposed crossing, the width of the proposed drive and request ML be there to walk us through the site. ML will set up an appointment with GC.
- ML: Please note the ANR plan was dated 1989, which had taken off 2.2 acres less than the original 7 acres.

136 Lake Drive, Steve Bressette, Jalbert Engineering, representing Bruce Gran and Bev Litchfield, requesting removal of an existing shoreline retaining wall.

- **Scope:**
 - There are two existing houses that will eventually be removed and rebuilt at some point with a formal filing later to be presented, however in this process, there is a deteriorating stone wall along lakefront of his property that needs immediate attention.
 - The applicant is requesting to get rid of the retaining wall as the wall is falling down. Currently silt is discharged into the pond.
 - Proposing a Gabion stone wire system that helps trap the sediment. The system is made up of wire cages with stone. This system also dissipates wave action. DB feels this system doesn't work, as the wire decomposes after 8-10 yrs. The wire shifts but perhaps you could prevent that shift. SB: Fill will be Category 1 Type. Will the Commission entertain this option or should we look into another solution? DB: Is it sloped? SB: Very shallow, slopes towards the water. It's a gradual slope.

Commission's Comments and Questions:

- DB: If you can prove that you won't violate the wetlands protection act, then we have no issue.
- SB: High water maybe at 2' with a gradual slope towards water.
- Bruce Gram: I believe my brother dug out this area about 35-40 years ago, intended to cement it and wanted to use it as a boat launch.
- DB: Will you change or alter the distance from the house to the water? SB: We will be eliminating the deck, will be moving the houses back when they rebuild as both houses will need to come down. Both houses will go back to same footprint, but located further away from the lake, and more towards the road than they were previously.
- CM: Do you have specifications of the system? SB: Provided a cut sheet to CM. DB: Will this prevent erosion due to wave action. This system will help dissipate the wave action.
- DG: Any current erosion? SB: Yes, at the wall. Applicants want to put the wall along the entire front of the lake. A friend of Mr. Gran has used it with success. The applicants are looking to minimize effects to the lake.
- JK, CM, DG and DB request a site visit. DG: I want to look at the site but it will be hard to allow you to fill in the lake.
- GC: Can we consider this a restoration of the shoreline? It's not a natural cove and could we improve the shoreline by filling in and reworking it. SB: I believe it would help, cleaning run off, filtering the sediment.
- CM: Would you consider developing a thicket in certain locals along the waterfront to help with habitat? SB: Yes, it has been discussed. CM will retain the cage detail that SB brought in.
- DB: Plan should configure to see a "no net loss".
- GC: Will set up a site visit with the applicants when they file.

Public Hearings:

7:30pm NOI, 21 New Boston Road DEP#300-897, Patrick Doherty (PD), MidPoint Engineering representing the Patel Family. Proposed hotel development (continued from 4.17.2014 meeting).

- PD: Presenting conceptual plan to Conservation Commission. Has met with Planning Department seeking relief from setbacks. Concom has confirmed the existence of a vernal pool. Current plan has shifted building and parking areas 100' from VP. One storage building is within the 50' buffer zone and some clearing and landscaping up to the 25' buffer zone to a BVW. This new plan will require relief from Zoning, not Planning. They have filed a ZBA application today and will be on June agenda requesting relief for the front yard setbacks to the parking lot. The plan now shows Rt. 20 has a 100' green space, bylaw requires 50'. Cove Drive: we are seeking setback relief and will provide screening to the neighbors.
- PD: We have not completed the final design drawings yet. Also showing retaining walls in parking lot area. Walls vary in height - 8' is the highest point.
- Plan will continue to meet the pipeline requirements.
- PD: We must meet with ZBA, then Planning before the plan can be approved.
- PD: Here tonight to look for ConCom feedback.
 - Drainage calculations still need to be revised.
 - Different Low Impact Development techniques for the paved area flow to the larger green area and rain garden. 90% will infiltrate to the ground. Less frequent large storm overflows would discharge to a pipe, through a riprap dissipater pad, and sheet flow to Cedar Lake.
 - *Commission's Comments and Questions:*
- DB: Is the upper parking lot system connected to the lower parking lot? DP: No, the upper parking lot stormwater management system isn't connected to underground chamber system in the lower parking lot chamber system.
- DB: The amount of impervious surface is a concern; as there will be a lot of run off. PD: The amount of impervious surface is similar to what currently exists. Currently, there are no treatment devices, a pipe system, and the entire parking lot flows to the DOT ROW to Cedar Lake.
- CM: 1" rain over 24 hr period is the standard? PD: Yes, as that's the standard they used.
- DG: This plan is based on getting a variance. PD: Yes. DG: Very happy with the plan in meeting our requirements and addressing the fire access lane.
- JK: I'm willing to compromise in the buffer zone around the vernal pool and the west side of the property in exchange for cleanup of invasive plants in the degraded wetland at the southwest corner. Propose a plan to help the lake. GC: Concur with JK as this is the entrance to Sturbridge, by remove the existing invasive plants phragmites, Russian olive, bittersweet, old tires etc. will be a great improvement.
- DG: What about that old fence? Patel: Not sure if its' from the old hotel which was closed in 2009. That fence has been there since 2006, when they purchased the land. We put up hay bales. The Commission is welcome to visit his Hampton Inn in Auburn to see the site as they had similar issues when building that hotel.
- DG: Is concerned with how to keep people out. Patel: They would put a fence to keep people out of there.
- CM: Is the garage in the 25' no build zone? DG: No, but it's located right on the line. DG: They need a variance from ZBA before they can move forward.
- PD: Will continue to work on plan, finish the drainage calculations, review the area of the DOT discharge, and look at the invasive species area.
- CM: Is concerned with snow/sand piles being pushed into the rain garden. PD: Patel will monitor and maintain the rain gardens as it will be stipulated in the OOC.
- DB: The State of MA states that there be no net loss of wetlands. PD: Feels the plan respects the 50' set back, the 25' no build, and the development will not negatively impact the vernal pool and buffer areas. Once vernal pool was identified, they provided a redesign. The ZBA will consider properties that have unusual constraints. This is a unique site. With it being an 8 acre site, rarely would you be limited to 3.5 acres of development area, which is the case here. Although we have constraints, the 100' ROW along Rt 20 will be green space so the intent of the bylaw will still be met. We don't feel we are asking a lot from the various boards. We don't feel it's a self created hardship. We have done our best to respect all by laws but will need to seek a zoning variance. Patel: We reduced the parking spaces by 21 and still meet the minimum required.

Audience Comments:

- Howard Fife: Where is snow going? DB: They will be moving snow to North and East areas of the property, using the parking lot as storage/staging area for the snow.
- Paul Rosenbloom: Since this is the gateway project in Sturbridge, it's a great opportunity for Sturbridge to invest in Sturbridge as too many folks go to Auburn and Blackstone. Let's all pull together and everyone will benefit from this.
- PD: requested a continuation of the public hearing.

Motion to Continue the Public Hearing. The ZBA meeting is June 18th. The Commission granted a request for continuation for June 19 at 7:30pm.

7:45pm 60 South Shore Drive, Tom & Kelly Peck, DEP file #300-898. Reconstruction of a retaining wall at the shoreline. Application was unable to attend this meeting and has requested a continuance to the June 5th meeting at 7:45. Request Granted.

Letter Permits:

Logan Melican, Eagle Scout project to replace a bridge in Opacum Woods. Howard Fife, Opacum Land Trust

- **Scope:** Mr. Meliken is an Eagle Scout from Troop 161. He is proposing to construct a new bridge to cross over Honey Brook as an Eagle Scout project. It is an existing 10 yr old bridge that needs to be replaced. The proposed design meets performance standards.
- **Size:** 16' long x 4' wide bridge
- **Materials:** pressure treated southern pine lumber. It will be supported by concrete blocks at both sides of bridge.
- **Frame:** 2' x 12' stringers fastened to 2' x 12" blocking plates on both sides,
- **Decking:** 6' x 4' decking boards of pressure treated lumber. Railing: 3-4' height, 4x4 railing posts with 2x4 railing

Commission's Comments and Questions:

- CM: What is the minimum railing height requirement? HF: it's the standard required by building codes.
- DB: May want to speak with the Building Inspector to make sure there are no further requirements. LM: Understood.
- GC: FYI: since LM is using pressure treated wood, it will be all cut off site and assembled in place. The old bridge is being removed off site. GC: I see no issues with this work and think it's a wonderful project.
- DB: Timing? HF/LM: 6 months. This fall it will be completed.
- CM: Concrete blocks - will they be set to grade? What are the size of blocks? LM: 4' long x 6" wide x 8" high. HF: The existing bridge has existing concrete blocks. We will be using the existing blocks, however one end will get dug to keep bridge level.
- DG: No silting issues? LM: May need minimal excavation to the land so to level it out when they remove the old bridge. A carpentry teacher at school made some suggestions to this design, suggested using screws.
- DB: Trails Committee can help you up to the wetland with some equipment then it can be walked in from there.

Motion to approve the plan with a 3 yr timeframe to complete the project: CM: 2nd: DB . Audience discussion: None. Vote: Yeah: 4 Nay: 0; All in Favor.

Forest Cutting Plans:

201 Main Street: Tom More. New cutting plan received. Scope: 19 acres, 1 wetland crossing of 85'.

Agent Briefing: GC and JK walked the site. They are concerned with the landing area: very tight space for a landing and the proximity to the wetlands. Perhaps near Main Street might be an acceptable spot for a landing but DPW is concerned with traffic at that location. GC: In speaking with State Forester, Kate Marquis, she's added comments to cutting plan, as per Management Practices Chapter 61:

- The landing can't extend into wetland,
- Where the wetland borders the landing site, erosion controls are required,
- Where the wetland borders the landing, the wetland must be flagged, and
- A 20' filter strip is required between the landing and the wetland.

Commissioner's Comments and Questions:

- JK: Feels that Commission can only provide input within a 10 day comment period. Not sure how you can get a log truck in this 70'-80' for a full timber harvest as it's such a small area. We don't have any authority, to say it's not acceptable. We can comment only.
- DB: Feels that Concom has the authority to comment on what is and what is not acceptable as per our Regulations, Chapter 9. We can send our concerns to BOS. DB: How can we get a 50' filter strip into this area? JK/GC: Too small of an area, it's impossible to do so. DG: Send our concerns to BOS. DB: Wants a site visit with GC.

Agent Report:

- **OSV:** Their work is still on hold due to problems with high water. They are concerned as it's crunch time for their busy season. CM: What does that mean for us? GC: For us it means nothing, for them it's a hardship. CM: Will they delay work due to anticipated rain fall this weekend? GC: No, there is no thought to delay it, but OSV is concerned with the height of the Quinebaug River. CM: Any extension needed? GC: No, they have 3 yrs to complete the work, as per their OOC. DB: OSV would need to have this area shut off to public.

- **Lycott Environmental:** Received notification that on 5/20, they will be treating Cedar Lake for the management of aquatic vegetation and algae. Received the license to apply chemical, a copy of the sign they put up. DG: We are also supposed to receive a map, showing where and what will be treated and what will be used to do the treating. DG: concerned that we don't have enough info. They must provide that info prior to any work. GC will follow up as we have never received maps in the past.
- **Mr. Allard – Open Meeting Law:** A Ruling from the Attorney General's office finds SCC violated the Open Meeting Law. GC read the conclusion of the letter ... as we failed to include a topic that is reasonably anticipated by the chair in the notice for the October 3' 2013 meeting.
- **MEPA Review:** EG/GC sat in on meeting held on April 18, 2014. Also conducted a walk through. Now we are starting to receive comments from NHESP and Mass Audubon. Both entities are in support of a waiver of the environmental impact report as they feel this review was adequate; and feel that a full environmental impact report is no longer needed. DB: Feels that we don't know what species will be eliminated. GC: Feels that turtle nesting areas will be created in response to NHESP comments. DG: Who breached/notched the beaver dam at Leadmine? GC: No one has contacted the Conservation Commission to do this work and no beaver permit pulled for this work. If people are doing work on Conservation land, that they should be coming to Concom for permission.
- **Conservation Restrictions (CR):** Bob Levitt continues to work on the 4 properties. Has contacted the office for additional information and to discuss the status. DB: Where is the money coming from? GC: Assumes it's CPC funds since CPA money was used to buy the land. No amount has been negotiated with a land trust. DB: Feels that the logic doesn't make sense. GC: In the past, typically whoever holds the CR is also given amount of money to sufficiently monitor the property and to defend the CR.
- **Interns:** Our two interns are finishing up as they will be graduating shortly. They have completed the half mile of trail that links the Seven Ridges Trail to the White Trail. The painting, the GPS mapping and distances were determined and have been completed. DB will follow up with Randy on the trail names.

Meeting Adjourned: 8:36 pm Motion: CM 2nd: DB Vote: Unanimous

Next Meeting: Thursday, June 5, 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