

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, June 5, 2014  
Sturbridge Center Office Building, 2<sup>nd</sup> 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  
David Barnicle (DB), Vice Chair  
Donna M. Grehl (DG)  
Calvin Montigny (CM)  
Joseph Kowalski (JK)  
**Members Absent:** None

**Others Present:** Glenn Colburn (CG), Conservation Agent  
Cindy Sowa Forgit, Conservation Clerk  
Applicants and/or Audience Members: Siona Patisteas, Barbara Martel, Tom Peck, Joe Veneziano,  
Don Lamascolo, Bob Murphy, Adam Gaudette, Kevin Roy, Allen Butts

**Committee Updates:**

- **CPA – (EG)** Did not meet, however we have recently accepted 111 acres; 2 parcels that abut Wells State Park and 1 parcel to be part of the Long Pond Conservation Area. We must include this in the CR.
- **Trail Committee – (DB)**
  - Reminder 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.
- **Lakes Advisory Committee – (DG)** Had a meeting, working on a town betterment disbursement of funds.

**Approval of Minutes:** May 15, 2014 – not discussed.

**Walk-Ins:**

**419 Main Street – Discussion of Order of Conditions DEP#300-806. No one in attendance to discuss.** CM recused himself.

**Agent Briefing:** Work is currently going on. An OOC was issued to Pioneer Brewing Co. in September 2008. Attorney Chasse requested a COC, which was issued in December of 2011, closing out the OOC before any work was started. Subsequent to that, a contractor claims a member of the Commission told him to install erosion controls and an infiltration basin. The Basin was constructed and rip rap installed without a valid OOC. The owner wants to pave 8 parking spaces. GC: Work is in the Riverfront, they must file an NOI. However, please note that this work all happened prior to GC tenure with SCC.

- DG: remembers him coming in front of us. DB: What was the business plan? GC: The applicant didn't have one. EG: we need an OOC.
- CM: That location with the amount of gravel in the parking area, once they remove the hay bales and silt fence, there is a greater potential for it to be pushed down during snow removal/plowing.
- GC: Will ask the applicant file a NOI if he plans to do work in the Riverfront.

**Public Hearings:**

**6:45pm NOI DEP #300-902, Siona Patisteas representing New England Power, reconductoring of W175 electrical utility line.**

Scope:

- The project goes through Sturbridge, from Palmer and into Charlton. Within Sturbridge, the line enters from Brookfield. Allen Rd. New Boston, Well State Park, over Rt. 49 into Charlton. There are a number of wetlands crossings. There are rare species habitats. It's a maintenance project that must follow guidelines from National Heritage.
- We are required to have a 401 water quality certification
- Will be replacing 2 wooden poles (called a chair frame, built in the 1920's) with aligned conductors, with an A frame structure to be more structurally sound. Minor change in height. Location is the same. The structures are made of wood. Two will be steel due to tension on that line so to be more structurally sound. Structure 165, at Wells State

Park Area, Walker Pond Road is in wetland area. We will file with Army Corp for the 401 water quality permit, category 2.

- The entire line will be replaced, thus a larger linear work area as it is live while it's being replaced.
- Structure 161 sits within a beaver dam. We will remove the entire structure and relocate the structure in uplands. Placing the pole outside of the pond. The DRC is concerned that if it's drained the ecoli would infect the pond during summer. Timing of the project is November into April.
- McKinstry Brook will need to be crossed. It's a cold fishery area, 3 beaver dams were present. We have trapped the beavers. Mat stringers in the brook (size: 16'x4') was a concern. Working with Rich Hartley of Fish and Wildlife as project evolves.
- 7 municipalities, 180 structures. Work has started.
- Live line work (1 – ½ yr. worth of work) from January 2015 to April 2016
- DB: When will the beaver dam breach? Dec 2015, a slow breach if necessary. The dam is 300 linear feet in length. EG: Will it silt back down? SP: There is a chance, but it will go into a lower beaver impoundment.
- Weekly reports are sent to National Grid and water reports are sent to DEP. We will make road improvements outside of wetland areas. Fill will added but outside the wetland areas. DG: Any road repair in Sturbridge? SP: Possibly, the west side of the hill up to Structure 160.
- GC: Site visit was conducted Monday. Encouraged to know that Fish and Wildlife will be working with you. Regarding, the water quality, the DCR sent comments: In our opinion, work wouldn't impact the Natural Resource of the park. DB: As an abutter, there is concern with McKinstry Brook as the side slopes can be 3'-4' deep. SP: Swamp mat crossing will completely span the banks so not to disturb it and it's built up over each side. Nothing will be in the water.

**Motion: To close the public hearing DEP#300-902: DB 2nd: EG Discussion: None. Vote: 5-0, All in favor.**

**Motion: To issue an OOC for National Grid Reconductoring Project with no special conditions: DB 2nd: JK. Discussion: None. Vote: 5-0, All in favor.**

**7:15pm RDA for 17 Valley Rd, replacement of retaining wall in buffer zone. Applicant is Barbara Martell.**

**Agent Report:** RDA is for work subject to the WPA. The existing wall is deteriorating. Proposing to remove and replace with a block retaining wall with erosion controls, sandbags on road to direct water away from work area. Debris will be disposed of.

**Documents submitted:** Abutters list and tear sheet/legal ad.

**Scope:** The wall is 25 yrs. old made with pressure treated wood. One log has creosote, but looking for your suggestions on how to dispose of it? EG: Take to recycling center. DB: Is the wall 55' from the water? BM: Yes. DG: Are there steps in the wall? BM: No, they will be not be put back in. The pile of stuff is gone too. DB: When are you planning on doing this? BM: If I get approval, I will order supplies next week; work will start the following week. DB: doesn't feel it's at an NOI level, feels it will be stable by the time the season is over. Stable landscape. GC: Requested applicant to submit an RDA due to the work is 55' from the lake, storm water concerns, and needing erosion controls

**Motion to accept the RDA Motion to issue a negative determination for work within the Buffer Zone with a positive determination #5 as work is subject to the Town bylaw as per the proposed and reviewed plan: EG 2nd: CM Discussion: DB: When will the horseshoe of sandbags go in ...as you will need to let GC know so he can do a site visit so protection is there before work starts. BM: If I use straw waddles, do I use the filter fabric? DB: No, just use straw waddles as it conforms to the lay of the land. Where do I get sandbags? DB: May try local supply stores. Vote: 5-0, All in favor.**

**7:45pm Notice of Intent DEP #300-898, 60 South Shore Drive, Lou Litour representing Tom & Kelly Peck, meeting continued from 5.15.14. Reconstruction of retaining wall at shoreline.**

**Agent Report:** #300-898 NOI filed in June 2013 for some reason it took the DEP a year to issue a file number. A water quality certificate is not needed if the BVW loss less than 5000SF. If any loss to the BVW, then it's to be replicated 1:1. Natural Heritage has determined that the project won't adversely affect the habitat of rare species. The plan submitted was filed with OOC DEP#300-853. Proposed a silt fence for the wall repair. The work must be done at a time of a low water level. Work will be done by hand, stormwater control through the work area. A pipe directly discharges to a water body, and this should be addressed as it's not an acceptable practice. Have some concern with dock. TP: Stated that it's a seasonal dock that will be taken out. GC: Is the wall pitched back and are their drains in the walls? LL: Doesn't believe there are drains in the wall. TP & LL confirmed that there are no drains in the wall. Unable to tell if it's pitching out or in. Originally was using hay bales but now will be using a new material contained within a sock. DB: A straw waddle? Trying to keep the demo work minimal. EG: What time of year? LL: Hard to say as most of the wall was under water last year, but this year, you can see some beach.

**Scope:** Once we are able to start, we will set footings, get blocks in at 42"height, pin blocks with (2) PVC pins and cap (4" cap), back fill and then grade back to original pitch.

**Commissioner's comments, questions:**

- DB: How will you set the footing? LL: The block itself is put in, not concrete poured. Blocks below the ground will support it. DG: Back filling with soil, not sand? LL: Just stone with filter fabric and some grass at the top. The bottom one is sand and fine gravel. The wall above will be replaced with dirt. LL: It's a Versa lock system.
- EG: Are you replacing steps? LL: No, they are in good condition.
- DG: Regarding the first tier, how will the tree be handled? LL: The tree is contained and is in good shape. We will tie back in order to the build wall. There are no roots coming through wall. TP: This wall is a direct replacement.
- DB: Do you set the block in the seam? CM: They are staggered. Any wall should have a hydraulic pressure release, weep holes. You may want to use ¾ stone backed in fabric to prevent erosion so not to compromise the wall. CM: When you backfill the walls, if you don't have fabric that prevents leaching you will prevent the wall from being permeable as individual units. CM: Versa lock recommends a stone breakwater in the front of the wall. The stone in front of the wall will act to dissipate the pressure from the wave action.
- EG: How much excavation? CM: Any geogrid recommended? How deep laterally do you need to excavate? LL: 16". DG: New wall height: Dame as existing 42".
- DB: The OOC, must specify the versa lock specs are followed.
- DG: There are no trees as noted on the plan and it should be shown on plan. TP: To what detail? JK: The type of tree should be noted on the plan. LL: Trees near the Robinson's side? DG: Yes, that area as you will be working near them, we must be assured that they won't be impacted. LL: We won't cut any trees or roots.
- DG: Supports for the deck behind the first retaining wall, do you have any concerns? LL: Feels that it's about 6' away, therefore we have no concern with the supports.
- GC: Concern that the use straw wattles, doesn't seem it's an appropriate option in this area. Feels that straw bales and filter fabric are better to protect the silt from flowing over. LL: Ok GC: The geo-grid is for structural integrity so it keep the wall from pushing out, correct? CM Yes.
- DB: You can't have two open OOC on one parcel of land. They need a COC for the previous OOC #300-853. TP will get a COC on #300-853. Decks were included on the front, with infiltration by the garage. TP: How do we get a COC. Must request one from the Commission. GC can get the paperwork to TP.

**Motion to close the public hearing for 60 South Shore Drive DEP#300-898: DB 2nd: DG Discussion: DG: Regarding, the pipe in wall down below, what is the plan to take care of it? LL: The pipe on the lower wall from the driveway shown on the plan. GC: Concern regarding the specs for the building wall should be for waterfront specs. No tree cutting will occur. These conditions will be added to the OOC. Can we have for the next meeting? Request a Continuation to the next meeting, in order to get the specs and fix the drain in the wall. DB: Don't close the public hearing, we will need an engineered plan. Vote: 0 – 5; All opposed. Will continue the meeting in 2 weeks. EG: Concerned with the level of questions asked and we need to clean the water before it hits the lake. TP: The water drops into a well, which he cleans out. A site visit will be conducted. Commission doesn't want water to dump into lake, want to see sediments removed first via perhaps a grassy swale, basin etc. Therefore if the basin fails, we have secondary sediment clean up vs. the current direct discharge to the lake. All in favor of continuation at 8:15pm**

**8:00pm NOI DEP #300-900, 67 Beach Ave, Robert Murphy, Murphy Associates representing Jane Neergheen, Construction of a garage in the buffer zone.**

- Documents received: Legal Ad/Tear sheet and the Abutters notified.
- Scope: The existing house to remain and the shed near the water are to remain. Requesting a two-car garage to be located at grade. The existing drive, to be expanded in front of the garage. To have the same grade and cut in the foundation for the garage. There would be no cellar, just a slab floor. The foundation will follow the existing grade. Minor re-grade the area, behind garage. There is a French drain around the garage to a drywell (6' dia pit filled with stone). The drain infiltrates into the ground, like a drip strip. 1 ½ - 2" stone is laid on top of fabric. We don't anticipate any water to drain into the lake. The proposed driveway would maintain the existing grade and drain to the road. The roof drains into the French drain. Existing plumbing goes into E1 sump pump up to the street. Minor re-routing the forced main at garage out to the road. ½" gas line will have to be re-routed. JK: What does FM mean? RM: Forced Main, it's a flexible PVC line. There will be no work in the street. JK: Cutting any trees? RM: Yes, up near the road a cedar and a pine tree as they seem diseased. Otherwise all trees to remain. We are not increasing the impervious area by that much. DB: Will the cutting be between the 100' and 200' buffer zone? RM: Yes. The 2 trees for the drive, up near the road.

**Commission's Comments, Questions:**

GC: Previously viewed this site. DEP had no comments, although work is within the buffer zone. Some of the work is within the 50' no build buffer zone, about 2' on the corners. The garage meets zoning setbacks. RM: Have no issue with replacing the trees, recommended a 2:1 replacement. DG: Have you been to zoning yet? RM: Yes, gave a negative determination and ok with plan. DG: Can you make the garage smaller? BM: Yes, we can make it 28' to get out of buffer zone. GC: Regarding drainage out to Beach Ave that should be handled on site not discharged to the street. BM: It's currently heading out to Beach

Ave. DG: It's a private road so the issue is that residents don't maintain it; which means we don't need to continue this practice. EG: We don't want to build in the 50'. What specific trees will be removed? This needs to be shown on the plan, along with a drainage plan. The brush pile is to be removed. Agree with the drip strip. DB: Agrees with EG. CM: Requests that the trees be marked of the ones to be removed. Want all the areas marked for site visit. BM: We can stake out and reduce the garage to 28' and re-grade the driveway for drainage purposes. Request for continuation of the meeting. Request granted.

**8:15 NOI, DEP #300-901, 240 Roy Rd, Joseph Veneziano and 238 Roy Rd, Don Lomascolo drainage work in buffer zone and BVW.**

**Backstory:** Trying to alleviate flooding. Have drains all along Roy Rd. As the town plows, the grade has changed and now it's a dam that prevents water flowing into the wetland. DEP likes to bevel the road so the water can't drain directly into the wetland. The lake used to drain towards Brookfield, but that no longer happens. My barn which is on Don's line, the foundation cracked this winter due to water sitting and then freezing. The road is higher now than in the past years. The road is now 5-8" higher than it was 30 yrs. ago. DG: is this a better solution to the problem? DL: It will flow better now that there is a drain. Appears that it's filled with 6-8" of silt. DG: Has the drain been cleaned? No, as it appears the pipe was crushed. However, we have been keeping it clear, thus no issues.

**Scope:** We are proposing an 8" drain to be run under Roy Road.

**Commissioner's comments and questions:**

DB: Where is the collection site going to be? JV: Right on the line off my property. Drain was installed about 40 yrs. ago; it was removed probably due to deterioration. EG: Who is installing the pipe? DL: Kevin O'Malley, he did Lake Road. DG: want to replace the drain? DL: Yes, but add more drainage as it now it puddles up past the barn DB: We need to know where the 2 inverts are, meaning the elevation on both sides of the road. EG: concerned about elevation on both sides of the road. DB: Can you have him add that to the plans. GC: think inverts would be a big help. What is coverage at road ... maybe 1' to protect it from being crushed. So if the 8" pipe is now 20" down. Not sure there is 20" of change in elevation to the wetlands. Concern that the pipe won't drain. Perhaps the invert must be installed below the BVW to get a positive drain and not sure you have that. DB: That area has a high water table, so at 20" down, you may hit water. JV: But there are a number of drains along this road. Town will supply the material. DB/EG: Sees no problem with it. CM: What additional info required making sure the 20" measurement won't be a concern? DL: Will shoot some grades to make sure it will work. Concom feels it's a good project to help the situation. DG: There are 3 catch basins, pipes are 8" dia x 16' long. Need the inverts shown on the plan. Requested a continuation of the meeting. Request granted, scheduled for our next meeting at 7pm.

**8:30 pm Request for Determination of Applicability 8 Tantasqua Shore Drive, Adam Gaudette, landscaping with retaining wall in the buffer zone**

AG contacted GC on the process and GC felt he should submit an RDA.

**Documents provided:** sketch and photos, plot plans.

**Scope:** Requesting a stone patio, a fire pit 13' x 10" and a sitting wall beyond 25' to avoid impact to lake. No trees or vegetation to be removed. Change in grade is minimal. Some sub base work for the patio. Hand work done for 2 retaining walls. Saws will be used outside 50' area. Any excess material will be taken off site. Will use straw waddle as a proactive measure. Previously staked out area for the site visit.

**Commissioners' comments and questions:**

- DB: Nothing takes place w/in the 25'. AG: Yes, we went beyond the 25'. DB: We have a 25' no touch zone to act as an erosion block due to the slope. Suggest since more traffic, add some plantings in this area to help stabilize the area. Within the MAHW (high-water) mark 25' off water, then go up another 25' and put plantings in there. Perhaps using high bush blueberry, to attract wildlife and give a root structure. AG: Agree to do that.
- DG: You are working near a resource area. We have a 25' no touch zone. We have a 50' no new build zone. You are proposing to work in the 25'. AG: No, we are looking to install a paver style patio between the 25' and 50'. DG: A patio is a structure. JK: Are we speaking of work between 25' – 50'? DG: Yes, we are considering this work to be done. DB: The structure is impervious. It is a gray area when you discuss "structure". EG: We work with this around the lakes. DB: Constricted yard space is small typically around the lakes. We want to help wildlife habitat. Shrubs will help with this and provide root structure. DG: 1<sup>st</sup> stake is the MAHW mark? AG: Yes. DG: Our 25' buffer zone starts at the MAHW. Can we move it back any?
- DB: Will the bricks be staggered? To help with the run off? AG: That's a contractor question, but it was agreed that it makes sense. AG: If we got a negative determination, to avoid the NOI process but what do we do moving forward. DB: It's a small project; no need for engineering services therefore it's an RDA so to avoid the NOI process. EG: It's a 13'x10' patio, and then put a 13' x 10' square area of high bush blueberry to help prevent erosive forces from heading to the water. GC can submit shrubs list to applicant.

**Motion:** DG: To issue a negative determinate based on the MA Wetlands Protection Act and a positive determination on the Town of Sturbridge Wetland Bylaw, to approve plan as submitted with the following planting plan to provide mitigation in a 13'x10' area: DG 2<sup>nd</sup>: DB Discussion: None. Vote: 5 – 0 All in favor. Request that ConCom see a planting sketch prior to any work.

**Audience Comment:** Allan Butts, a neighbor, has observed that a lot of natural debris over the past 34 yrs. has run into the lake from this property. Since these folks recently purchased this property they have maintained the property much more than what it had been prior to their ownership.

#### Old business

- **Bluewave solar, DEP# 300-888.** Project discussion, various items including erosion controls and phasing of the project. (continued to June 19, 2014)

#### Request for Certificate of Compliance

- **114 Leadmine Lane, DEP #300-891** Replacement septic system. GC preformed a site visit on 5/20/2014. The replacement work was done last fall, level lot. Feels no issue with erosion potential as it's in stable condition. Commission signed off.
- **149 Charlton Road, DEP #300-849** Stop & Shop gas station. GC preformed a site visit on 6/5/2014. Feels no issue with erosion potential as it's in stable condition. Commission signed off.

#### Letter Permits

**130 Lane Nine, Jeff Tasse, tree removal** (after the fact) Land owner not present.

**Agent Briefing:** This is an after-the-fact tree removal. Jeff removed 4 trees, as he felt they were high-risk, trees were dead according to him. GC site visit, took photos. Birch was just cut as its oozing sap. An old pine tree, pitch is solidified. Fresh saw dust on the ground indicates recent cutting.

Commissions' comments and questions:

- JK: When was the cutting? GC: Not sure, I was alerted by a woman across the lake saw it and asked if he had permission. Jeff said that 7 yrs. ago. Concom gave him permission to cut down. EG: I can confirm that is true but not sure what trees. I knew about the birch.
- DB: There was drainage work and septic work. I went back to minutes in '07 & '08 and found no reference to this property. I don't remember this.
- DG: I remember a site visit. DB: Can we move forward? If it's a fresh cut, we request for 2:1 mitigation. GC: There are some fresh cut trees here, but there are older cuts. JR: Many trees have holes in the middle and can still be a healthy tree. DG: What was unhealthy about this tree? CM: You can't tell the condition as now they are cut. GC: Could use some remediation, maybe not a 2:1 but maybe plant 1 or 2 trees. JK: What is the risk? GC: 20-30' appx. from the house. Not sure what the risk was? CM: A site visit or go on recommendation. DB: Wants a 1:1 replacement.
- JK: Will conduct a site visit and carry to next meeting.
- GC to notify Jeff Tasse.

#### Open Space Update

- **Hay Contract Heinz Farm, Deb Gardner.** Requesting signatures. Deb has already started the cutting. DG: concern with bird nesting and that we discussed this with her before. GC: Not sure if time of cut was discussed. I agree it's important, as I just attended a bird nesting seminar. The 1st cut must occur before May 31st, the 2nd cut after 65 days. This cut started a week later than we prefer. When feeding a dairy herd, the later the cut in the season, the less nutrition in the hay. The hay must be dry, will take 2 days to cut again, and then it's fluffed and bailed. So the beginning of next week she should be done. DG: Is very upset with this timing in the cutting. DB: Must insist that the cutting must be done before June 1st. GC: She came in last year, but it was too wet to cut. She was late getting the contract back to us this year. Since she's been doing for years, didn't feel that we should hold her up to get the contract signed so we can get it done. She does this for the town free of charge, where normally we would have to hire someone to do this work. GC: Next year we can address that she must cut mid-May and late July. JK: Can we send a letter? DB: We sent her letter for the last two years. Can we expand her scope? GC: No, as many folks said that area is always wet. CM: Can we get a current copy of her insurance? DB: Can we add to the contract? GC: Good point, we can look into this however, I wouldn't edit a contract without Town Counsel. At this point, I can tell her that she can't cut for the next 65 days. CM: Any valid reason for a delay in cut. If weather wasn't right, then is that a factor? DG/EG: Yes. CM: Then can we skip the first cut? EG: May not get good growth for the next cut. If it's cut now, it has a better quality for next cut. CM: Feels there is a balance that needs to be met. DB: Have the contract written that first cut be done by June 1st.

- **Application for Community Forest Grant:** Prepared by Darcie Scholfield of Trust for Public Lands. This money will be to purchase Plimpton. The grant requested is for \$400K. Requested signatures. Commissioners signed document.
- **Hamilton Rod and Gun:** Saturday, June 14th - Open to the public to hear a discussion about the upland birds habitat created through the Forestry Program.
- **Trails Committee:** Saturday, June 14th 12-3 Camp Robinson Crusoe, Picnic at the Beach Area.

**Agent Report:**

- **Election of Officers:** Scheduled for the next meeting. Positions of Chairman and Vice Chairman.
- **Summer Meeting Schedule:** No meeting: July 3rd Next meetings: July 10th and August 21st
- **Heinz Farm:** Loose dog complaints and owners not cleaning up after their dogs. Should post "Dogs on lead" as they are flushing birds from nests.

**Meeting Adjourned: 10:00 pm Motion: CM 2<sup>nd</sup>: EG Vote: Unanimous**

**Next Meeting:** Thursday, June 19, 2014 at 6:45 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***