

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, October 16, 2014  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

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

**Quorum Check:**                 Confirmed

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

**Others Present:**             Glenn Colburn (CG), Conservation Agent  
  Cindy Sowa Forgit, Conservation Clerk  
  Applicants and/or Audience Members: Paul Watson, Mike Touhill, Bill & Christine Zelenak, Alicia Rice, Sarah LaFrance, Kellie Moats, Ben Ouellette, David Ouellette, Sarah Swift, Bill Emrick, Sandra Peck, Tom Liro, Matt Watsky and Sharon Mrotek

**Committee Updates:**

- **CPA – (GC)** A meeting was held on 10/6 regarding the financing for the Plimpton Project. \$344,000 will come from US Forest Service and we hope that \$400,000 will come from the State LAND Grant. Looking at other debts: Heinz, Camp Robinson Caruso, and on The Riverlands; Heinz and Leadmine have 12 more years of debt. The Riverlands will be paid off in 2016. If we get a bridge loan to cover the \$800,000 we may have a good opportunity to purchase the property. Darcie Scholfield, Trust for Public Land, is still looking at Fish and Wildlife and the Millennium Fund. There are lots of conservation values with this parcel as it abuts Wells State Park, Hamilton Rod and Gun to name a few.
- **Trail Committee – (DB)** No meeting last week.
- **Lakes Advisory Committee – (DG)** No meeting last week. Recently held a boating course. Requesting a liaison between their committee and Conservation. DG is liaison but is unable to make their meetings as they fall on the same night as Conservation.

**Approval of Minutes:**         October 2, 2014 – To discuss at the next meeting.

**Walk-Ins: None**

**Public Hearings:**

**7:00     Request to Amend an Order of Conditions #300-906, Mass Electric Co.** Mike Touhill, BSC Group representing Mass Electric Co. Request to amend an OOC to reflect a correction of property ownership and abutters notification.

**Agent Briefing:** Mass Electric seeking to amend the OOC for utility pole replacement for the Bluewave project at the I-84 on ramp. They made an error in identifying the property that some of the poles are on. This is to correct that error. I see no need to view this site again.

**Documents Submitted:** Tear sheet and abutter’s notification

There was a change as the property line was not where it was originally thought to be in pole location 32 50-1,2,3. This was thought to be on Army Corp. land but its MA Turnpike Authority land. Mass Electric re-notified abutters and advertised to the correct property. This is an administrative amendment only. To clarify there are no changes on the project. **Audience:** No comments.

**Motion:** To accept the amended OOC to reflect the correction of property ownership: DG 2<sup>nd</sup>: CM **Vote: 4-0.**

**7:15pm Notice of Intent DEP #300-916 Burgess School PTO. Interpretive nature trail in the buffers zone and BVW.** The Burgess PTO is proposing to build a nature trail in the buffer zone with a wetland crossing. Sarah LaFrance is representing the PTO.

**Document Submitted:** Abutter’s notification. Note: the tear sheet will be forthcoming. Plans handed to commission.

**Scope:** The existing trail hasn’t been kept up over the years. The PTO decided a year ago to pursue cleaning up the trail while making it ADA accessible. The trail will need a bridge over a BVW. Swift and Emrick put together what the trail would look like for all students to use as it’s currently used for snowshoeing (gym) class. An Eagle Scout is looking to help build the foot bridge

as an Eagle project. DB: At the time this trail was created, ADA accessibility was not a requirement. The Trails Committee will help with equipment, technical guidance and labor requirements. The PTO will need to obtain liability waivers.

**Bridge:** The foot bridge will be used to cross BVW. The 4" x 4" are on top of wetland area so not to disturb the hummocks and to allow water to follow naturally.

**Site Visit:** A site visit will need to be completed by all commissioners.

**Comments/Questions of Commissioners:** DG: Who will obtain the liability waivers? SL: The PTO. DG: Who would maintain the trail? SL: We would set up a calendar and work on it possibly twice a month. The trail length is about ¼ mile. DB: Trails committee will help with suggestions and support. Currently it's flagged. GC/EG went out this Wed for a site visit. GC: What is the width? SL: 4'0". CM: Recommend that the PTO check the width due to ADA guidelines with the Building Inspector. GC: Similar set up to Loop Pond. DG: Info is missing on the NOI. GC: It's a volunteer group so we can help with filling in this info. Suggested to move back from BVW and will use turnpike bridge at crossing. Will be taking organics off to spread stone dust, we may want to look at straw waddles as needed, but can look at those spots at the site visit. **Audience:** Ben Owellette, the Eagle Scout, will be responsible to obtain people and supplies and to manage the project.

**Request a continuation to the next meeting on 11/6 at 7:30pm.** Note: Conservation will conduct a site visit on that Tuesday before the next meeting.

**7:30pm Request for Determination of Applicability, 50 Hall Road, OFS.** Various work in the Buffer Zone. Paul Watson, OFS representing OFS.

**Scope:** Work within a Buffer Zone at 50 Hall Rd: Existing retaining wall is deteriorating and will be removed and replace in the same spot. The wall is at the back of the tank farm. Work at 46 Hall Rd: Presented pictures of the work on the side walk and drainage. The drainage pipe is at the rear of the building. This pumps water out of basement and ends on up on the side walk which ices up. Therefore we are requesting to put a pipe under the sidewalk to avoid the ice issue. The water will discharge onto the lawn, near the rock wall. All work is the Buffer Zone.

**Comments, questions of Commissioners:** GC: The work for the fence is a non-issue. Recommend straw waddles only, no hay bales or filter fabric for all the work. Install the straw waddles 2' beyond the fence to allow room to work. PW: The wall is about 2-3' tall but goes up to 6' tall and it's falling over. CM: Will you replace the wall with the same product? PW: Feel it's not the best type of concrete. But will be getting a different mix of concrete, to replace the back wall and side area. DG: The hose pumps water out of the basement and the pipe goes outside? What is in the basement? PW: Nothing is stored in the basement its ground water despite the existing French drain.

**Motion to approve the proposed work at Hall Road and to issue a negative determination #3 for work in the Buffer Zone as this doesn't require an NOI and won't alter the area: CM 2<sup>nd</sup>: DG: Vote: 4-0 PW:**

**7:45 Request for Determination of Applicability, 39 Draper Woods Rd, Brian Milam** In-ground pool in the buffer zone. (Cont. from 8/21) Requested to continue to the next meeting on 11/6.

**8:00 Notice of Intent DEP #300-908, 69 Route 84, (DPW fields), Parks & Recreation. (cont. from 8/21)** Construction of recreational fields in Riverfront Area and Flood Zone A. Requested a continuation to the next meeting on 11/6.

**8:15 Notice of Intent DEP #300-914, 187 & 189 Lake Rd, John Argetus Jr.** Construction of a garage in the buffer zone. Requested a continuation to the next meeting on 11/6.

**Old Business** – None

**New Business** – None

**Enforcement:**

- **29 Main Street, Clearview Construction.** Work in buffer zone and BVW. **Cont. to next meeting on 11/6/14.**
- **3 Cherrybrook Circle, DEP #300-837.** Working beyond the work limit line in the RFA. No one present.

**Agent Briefing:** The new plan submitted shows:

- The 5000 SF of envelope is now readjusted back to the original 4876 SF.
- Boulders will be installed
- The wall and the fence are now shown. Plan calls for a stockade fence. GC: Suggests a split rail fence to allow for view.
- Removing the (2) pillars and will reinforce the deck. GC: Spoke with the Building Inspector, feels this can be done.

**Motion to approve the proposed plan with (2) pillars to be removed, reinforce deck as per code, install split rail fence or any type of fence with an 8" rise at the lowest point, the Deed and Plan to be recorded and boulders to be put in place: CM 2<sup>nd</sup>: DG Discussion: None Vote: 4-0**

- **261 Holland Road, William Zelenak.** Work in the buffer zone without a permit. Bill and Christine Zelenak present. **Documents Submitted:** BZ submitted a plan of the property to the Commission. **Agent briefing:** Issue with work on property, and issued an enforcement order requesting:
  - Install erosion controls: GC conducted a site visit on 10/6 and met with Bill. Bill installed the silt fences in area 1: near intermittent stream and in area 2: in Buffer Zone. Both locations look good and erosion controls ran down the cart road, constructed of straw waddles and filter fabric. Since it's late in the season, recommend spreading hay and winter rye to help hold the soil in place. Area 1: To be an establish lawn area, assumed. Would you be agreeable to a 25' buffer zone? Bill: Yes, the area will mostly be left undisturbed. DB: If it's undisturbed, then that's acceptable. The gully is really an intermittent stream. DG: Does it fill up? BZ: No. The gully carries 1-2" when it rains, and we will leave that undisturbed. CM: When will the next pile of loom be spread? BZ: Within the next week and will try to grow, grass and stabilize it. JK: Concur with CM and GC. GC: Suggests that if the erosion controls are maintained, this will resolve our issue. Leave the straw waddles in place until the spring. We will then conduct a site visit in the spring.

**Request for Certificate of Compliance:**

**413 & 419 Main Street, DEP#300-806, Pioneer Brewing Company.** Duplicate COC for a lost document. Signatures needed as a formality; Commission signed off.

**Orders of Conditions:**

**94 McGargle, DEP#300-915, Janet Brooks.** Commission signed OOC.

**77 Westwood Drive, DEP#300-913 Mark & Jodie Gosselin.** Commission signed OOC.

**Minor Amendments to Orders of Conditions:**

**93 Shore Road, DEP#300-894. Mr. Bonin.** Seeking to remove a hemlock hedge and replace with arborvitae. Issued an OOC for a tear down and rebuild. Rebuilding a new foundation. The property line is 16' to the edge of the house. Requesting to remove hemlocks, which are in tough condition, for construction access. To put scaffolding up and once construction is completed will replace hemlocks with arborvitae. GC is fine with the plan and removal. Erosion controls are in with hay bales. Consensus to move forward with this and must clearly communicate that the hedge will be replaced.

**Letter Permits:**

**8 Mt. Dan Road, Tom Liro. Tree removal, 3 trees.** Cont. for planting recommendations. JK recused himself. The Commission allowed removal of 3 white pine, but required planting 6 replacement trees. Mr. Liro was to furnish a planting plan. TL presented a planting plan by a certified arborist, Dennis Panu. Panu continues to recommend Tupelo. Based upon the available space, he would not recommend planting (6) trees, but rather plant (3) trees at 1 1/2" dia. x 4' high would provide better coverage and less crowding than (6) trees. Would the Commission go forward with arborist recommendation? GC: A smaller tree would do better, as its root system would establish itself better than a larger tree. At maturity, Tupalo is a 30-50' tall with a 20-30' canopy. Commissioners discussed location of the plantings, but was determined such suggestions are acceptable as they were based on the arborists' professional opinion. **Motion to accept the tree planting replacement plan as per the arborist report for 8 Mt. Dan Road, with full adherence to arborist plan and agree with the removal of the white pines: CM 2<sup>nd</sup>: DB Audience: No comment Vote: 3-0.**

**114 Leadmine Lane, Matt Watsky, 5 trees.** Matt Watsky present.

**Scope:** Plan to remove 5 trees: #1- Hickory, #2-4 Hemlocks and #5 a 3-trunk Hemlock as they are all pretty much dead. Had tree expert's review and supply a report. These 5 trees are the recommended for removal. Could put in some replacement plantings at tree experts recommendation. CM: Jeff Hamman is the arborist. Suggest Tupelo, stripped maples, sugar maple, and beech tree. DG: What is shore line like? MW: Lined with trees. CM: Any comment from the arborist on the tree with the wench? MW: Seemed to be in good shape, still growing wood, some dead wood at top and to keep an eye on it. DB: 1:1 replacement, but see what arborist recommends. **Vote to approve the removal of trees with no stumping. The arborist to provide suggested trees that will survive with a 1:1 replacement based on the appropriate species for the site. Consensus: vote 4-0.** Timing would be next spring due to current season.

**126 Lane Ten, Philip Goodwin, 8 trees.** The applicant has withdrawn his application at this time.

**Forest Cutting Plans:**

148 Fiske Hill Road, 7.2 acres, Kevin Smith. Not discussed.

Streeter Road, Michael Kearney trust. Timber salvage of tornado damage. (Waiting for revised plan). Not discussed.

Fiske Hill Road, 46 acres, Allworth LLC. Not discussed.

**Correspondence:** None.

**Open Space Update:** None.

**Agent Report:**

- **Conservation Restrictions:** Emailed the drafted CR's to all Commissioners. Please look at and keep in mind of the different properties, pay close attention to prohibitive acts and permitted uses as some have buildings. Let's review at our next meeting on 11/6 at 6pm meeting. We will forgo our Bylaw meeting. Then we can get Opacum's opinion of uses. GC will forward Howie Fife comments via email upon receipt.
- **Copies of Signs:** Handouts supplied to Commissioners. GC would like to see signs that identify what parcels Conservation controls, up at Heins and Leadmine. These signs would be in addition to the kiosks. Currently, there is nothing there to greet you when you get there ... similar to "Molten Flats Sign" ... to set the mood. Would like to approach local businesses in town (OSV for old planks) to get rough cut lumber donated and have TRHS students create the signs. Requesting approval from Commissioners to move forward. Consensus granted. Vote: 4-0 Note: CM: feels that the kiosks should warn of a possible black bear encounter and what to do.
- **60 South Shore Drive, Tom and Kelly Peck.** Work requested was a retaining wall repair and save large oak trees, build a wall in front and lose flood storage. GC called the Pecks for a status update. Some work was done without having a valid OOC, when the deep sump was removed. This is a violation. The Pecks have had some family issues and claim the sump wasn't built according to plan. GC feels that if we don't hear from them soon, we need to address the storm drain.

**Site visit schedule:** Noted within the above projects.

**Meeting Adjourned:** 8:47 pm **Motion:** CM **2<sup>nd</sup>:** DB **Vote:** Unanimous

**Next Meeting:** Thursday, November 6, 2014 at 7:00 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**

*The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.*