

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, December 18, 2014  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

**Meeting Called to Order:** 6:00 – 6:45 pm Conservation Restrictions Review. Working session for Commissioners;  
Donna Grehl - Absent  
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 Chairman  
Joseph Kowalski (JK)  
Calvin Montigny (CM)

**Members Absent:** Donna M. Grehl (DG)

**Others Present:** Glenn Colburn (CG), Conservation Agent  
Cindy Sowa Forgit, Conservation Clerk  
Applicants and/or Audience Members: Glenn E. Krevosky, Chris & Kelly Bouchard, Michael Loin,  
Mary Lou & Bill Sanderson, Richard Sitnik, Mark Farrell, and Jim Gerrish

**Committee Updates:**

- **CPA – (EG)** Did not meet.
- **Trails Committee – (DB)** Meeting held last Tuesday, discussed the 2015 budget. The 3<sup>rd</sup> Saturday work days are cancelled until better weather.
- **Lakes Advisory Committee – (DG)** No update.

**Public Hearings:**

**7:00 Request for Determination of Applicability, 4 Scotch Pine Circle, Chris Bouchard. In-ground pool in the buffer zone. (cont from 11/20/14)**

**Documents submitted:** Legal Ad Tear Sheet and Abutters' Notification

**Scope:** Proposing to install an in-ground saline pool. The pool is situated close to the house in the existing yard. The pool company never measured the distance to the shed. The shed is at the 65-70' mark vs. the 50' as originally thought as shown on the plan. There is some slope. The farthest point from the wetland is around the 70'. There will be no trees cut down. One Plum Tree will be relocated. **Agent Briefing:** All work will be in your existing yard, correct? CB: Yes. GC: How did you determine the wetland? CB: I spoke with builder when it came time for us to build a shed. He gave me the boundary lines and I measured land, and then realized the buffer zone was on my land.

**Commission Comments/Questions:** The patio surface has not yet been determined however it was discussed and recommended by the Commission to thicken the buffer by adding vegetation (more plant material, not grass) to the mass of the existing wetland vs. installing pervious pavers as they are not a practical solution for a pool patio. The fencing will go along the 50' mark, but the space under the fence will be determined by the building inspector. EG: The pool should be staked and measured to the wetland prior to any construction and the placement of erosion controls. Commission is requesting a sheet flow plan or that a stone gully installed. Audience: Mike Loin: 54" high fence for a pool area is to have a max. 4" gap as per state building code and BOH code. **Motion: To issue a positive determination #5 based on the Town of Sturbridge Wetland Bylaw and a negative determination #3 based on the MA WPA for work within the Buffer Zone with no impact to the Buffer Zone. Motion withdraw. Commission is requiring a more detailed plan with erosion controls, increased buffer plantings and accurate locations of the shed and pool. Request for a continuation to the next meeting on Jan 8<sup>th</sup>. Granted.**

**7:15 Request for Determination of Applicability, 5 Harding Lane, Ed Adamson. Landscaping in the buffer zone. Glenn Kervosky, EBT Inc. representing Owner.**

**Documents Submitted:** Legal Ad Tear Sheet and Abutters' Notification.

**Scope:** The plan was revised soon after the site visit. The patio will be deleted from the scope of work. The Sugar Maple is to remain. The (3) trees are flagged for removal. The Wetlands was delineated by Waterman. Requesting to remove an Ash, a Pine and a Maple. Requesting to cut trees and move the boulder during winter months. There will be no in-ground pool at this time. In spring he will show you a detailed plan of the patio, but tonight he is requesting to move rocks and trees now. Work will be done using track excavator. **Motion: To approve the removal of the rocks and 2 trees (Ash and Pine). The Sugar Maple on the 100' Buffer Zone is to remain: DB 2<sup>nd</sup>: JK Discussion: JK/CM feel there is no issue with removal of all 3 trees**

due to no foreseen impact Vote: 1-3 (JK/CM/EG). Motion: To approve removal of 3 trees, rocks and excavator use as stated: CM: 2<sup>nd</sup>: DB Discussion: None Vote: 3-1 (DB) Approval is subject to boundary depicted for work in a Buffer Zone therefore to issue a positive determination #1 for work subject to MA WPA. To issue a positive #2A for work boundary delineation and #5 for work subject to the Town of Sturbridge Bylaw for work in a Buffer Zone. To issue a negative determination #3 for work subject to MA WPA. Agent Comments: I feel there is no impact to the wetland. JK/CM concurs.

**7:30 Notice of Intent, 30 Goodrich Road, Mark & Janet Farrell. DEP#300-919 Septic system and house renovations in the buffer zone. (cont, from 11/20/14) Mark Farrell, owner.**

**Agent Brief:** Received a newly revised plan. Has this plan gone to DEP? MF: No, not yet. New plan has a leach and recirculating sand filter. No Purchase & Sale on the land across the street yet.

**Scope:** New plan is proposing a 2000 gallon tank on his property, while trying to get the leach field on another parcel of land across the street. Still needs BOH approval, and if the land (across the street) can be sub divided from owner's portion. If BOH approves it would be a pump chamber, if it's not approved it's a holding tank. Requesting an OOC for work on the original plan. If he can acquire the land across the street, he will come back to amend the OOC or file a new NOI. All work is outside 100' buffer zone. The existing tank would be pumped and filled, since it's a steel tank. **Motion: To close the public hearing and accept DEP#300-919 for the proposed work in the Buffer Zone and issue OOC: CM 2<sup>nd</sup>: DB Discussion: GC the plan presented tonight is not approved. Requesting to reference the original plan that shows a holding tank. Agree with modification as amended: Vote: 4-0**

**7:45 Notice of Intent, DEP #300-917, 17 Kelly Rd & 90 River Rd, Borrego Solar. Proposed 2 megawatt solar array, access road, and drainage structures in the buffer zone. (Request to continue to 1/8/15) Request for a continuation to next meeting and the meantime a new plan will be finalized for Art Allen's peer review prior to the next meeting. 1/8/15 at 7:15). Granted.**

**7:50 Notice of Intent, DEP #300-920, 38 Hamilton Road, Ky Nguyen. Wetland crossing for driveway. Construction of a SFH, septic system, and associated site work in the buffer zone. Mike Loin, Bertin Engineering representing Owner.**

**Agent Briefing:** Site visit conducted on 12/16, saw stakes for the driveway. JK: Where are the culverts and how many? ML: (2) 12" ADS culverts located at the wetland crossing. CM: What is the distance apart of each culvert ML: 3'. The leach is now in front of house, assumed since no perk yet. CM: Surprised how minimally wet the lot was especially in the crossing areas, considering all the precipitation we've had and we are above normal. The layout of the entry for the perk is a good location. DB: 100% opposed, feel it's impossible to get the driveway in without affecting the wetland. EG: Opposed due to issues with the delineation, as the depressions were not included in the delineation. Felt some areas were wet that were not marked wet. ML: The delineation was difficult. The vegetation was minimal so we had to use soils. Holes were dug to determine the delineation. Perhaps we can retain Art Allen to reconfirm this delineation. CM: Are you able to delineate these pockets that Ed is concerned with. JK: What is the concern on impact? EG: The wetlands do not appear to be delineated accurately. There is fill in the BVW. ML: Replication is noted on plan. **Motion: to approve plan as submitted: JK 2<sup>nd</sup>: CM Discussion: GC Frustrated with lot. Years ago, the ANR plan should have come to the Commission to review the wetlands Vote: 2-2 (DB/EG), Vote: Does not pass. ML: Can he get a confirmed delineation. If the owner has more info then ML can present more info since the public hearing has not been closed. Request a continuation to the Jan 8th meeting so to get Art Allen to confirm the delineation. Consensus granted.**

**Old Business:** DB is requesting that the Commission make a motion to petition the Community Preservation Act to consider the maintenance of the (4) CR's in town. How do they get funded? According to Darci Scholfield the town is responsible. Use of CPA funds require restrictions that eliminate the value from the property, thus no one to hold them wants them since the land can't be sold. DB is requested to have a vote from the Commission to go to speak to Opaqum, he feels \$12K = \$3k/per each parcel of land is a good figure to start with. EG: We need to ask the Town Administrator if we have the authority and ask to be the negotiating body.

#### **New Business:**

Trails Committee proposal to install two gates on Leadmine Mountain Conservation Area. Proposing white gates much like the one at the OSV parking lot. GC suggested a split rail fence similar to the cedar logs placed at a crisscross angle much like at OSV entrance vs. a stock gate.

#### **Enforcement:**

OSV is requesting a release from the Enforcement Order issued for tornado cleanup activity. Natural Heritage recently called to see if the work was completed. Appears OSV was issued the violation on Jan 5, 2012. A motion approved that completion of work must be done by May 1, 2012. Brad King emailed that work was completed. DB: Recalls, there was Turtle habitat, with

stumping occurring in this area. OSV took instructions from Natural Heritage to use a turtle checker/sweeper if bringing in motorized vehicles. EG: Recalls that the gate was to be moved away from the wetland. EG: Check if meeting minutes shows if gate was to move. What is the expiration on the enforcement order?

**Request for Certificate of Compliance:**

**63 Beach Ave, DEP#300-451, David Aho. (cont. from 11/20)** Property owner to propose work to bring site into compliance with Order of Conditions issued in Sept 2001.

**Agent Briefing:** Plan is due by 1/8/15. Mr. Aho will be here at the 1/8 meeting to discuss a resolution. Said he discussed his revised plan with Building Inspector which was approved, but Conservation wasn't provided with that plan for approval. He agrees that he never got an approved plan from Conservation. He is working on getting a building plan that shows he had an approved room not a deck. Conservation originally approved a deck, not a room.

**Minor Amendments to Orders of Conditions:**

- **168 Lake Road, Timothy Hutchinson (not present). Stockade fence at shore of Big Alum Pond.** Owner is requesting a "minor change" in the OOC #300-877 to allow stockade fencing to run along the property lines down to the shoreline. **Agent Briefing:** Requesting to install a vinyl stockade fence. The existing shed was removed. The fence is to run down to the shore line, thus requesting minor change to his OOC. He wants to keep his dogs on his property. However, site needs right of passage along the shore line. The fence is located 1' off his property line. DB: We have a 25' no build, 50' no structure. GC: Must require a 6"-8" gap under fence which won't help with their pets. EG: Must be set back from water. CM: Owner can put in an invisible fence **Vote: 0-6 Request is denied.**

**Letter Permits:**

- **88 South Shore Drive, Richard Sitnik. Remove (1) tree at shoreline.** Arborist report submitted by Dennis Panu, Certified Arborist. **Agent briefing:** Read arborist report with findings of the tree leaning and will eventually fall into the water. JK: Agree with health assessment. **Motion: To approve the cutting of hemlock tree: JK 2<sup>nd</sup>: DB Amendment of motion requiring a 2:1 replacement Discussion: No stumping. No additional trees required due to health of the existing area. Amendment removed. Vote: 4-0**
- **20 Finlay Road, James Gerrish (present).** Deck on sonitubes in the buffer zone. **Agent Briefing:** Deck will be 173' from the current pond. No impact. Consensus of the Commission granted work. GC will provide JG a letter permit.

**Correspondence:**

- National Grid: Vegetative maintenance plan is currently available in the Conservation Office for viewing
- Lycott Plans on Lake maintenance is currently available in the Conservation Office for viewing

**Open Space Update:**

Tax parcels for open space preservation.

- 32 Warren Road - 19.25 acres
- 280 Brookfield/69 Paradise Lane - Two adjoining lots, 11 acres and 10.45 acres respectively
- 36 & 38 Warren Road - There are septic system designs (expired) on both lots, but there are flood plain/wetlands issues on 36

**Agent Report:**

**66 Shepard Road, Pablo Sanchez:** OOC granted at last meeting, Obtained Commission signatures.

**21 New Boston Rd, OOC:** signatures DB requested changes of vehicle motor oils on site and the compliance of dark skies initiative; changes were previously incorporated in the OOC. Obtained Commission signatures.

**Meeting Adjourned: 8:40 pm Motion: DB 2<sup>nd</sup>: EG Vote: Unanimous**

**Next Meeting:** Thursday, January 8, 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.*