

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, April 2, 2015  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

**6:00 pm – Working session for Conservation Restrictions and review of Wetland Bylaw Regulations – CANCELLED**

**Meeting Called to Order: 7:00 pm**

**Quorum Check:** Confirmed

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

**Members Absent:** David Barnicle (DB), Vice Chair  
Cindy Sowa Forgit, Conservation Clerk

**Others Present:** Glenn Colburn (CG), Conservation Agent

Applicants and/or Audience Members: Clarence Singer, Jerry Knause, Paul Damery, Peter Weiss, Leonard Jalbert, Tom Flannery, Rick Para, Anthony Grossi, James McCarthy, Sue & Mike Riel, Ethan & Reed Hillman, Darci Scholfield

**Committee Updates:**

**CPA (EG):** No meeting was held

**Trail Committee (DB):** No update.

**Lakes Advisory Committee (DG):** Boating course scheduled to be held in May.

**Walk Ins:** Darci Schofield, Trust for Public Land discussed the status of the Plimpton Community Forest Project:

- I have been working with the Town on this project for a little over a year.
- It's a 320 ac property with 295 ac in Sturbridge, the balance remains in Brookfield.
- I have been working with the community along with other groups such as the Community Preservation Committee to discuss the values of this parcel. The breakdown:
  - 16 acres to be used for recreation aspects. Athletic fields that will have 4 multi purposed playing field, a parking lot for up to 100 cars (this parking quantity is necessary for the Town to qualify for a State grant).
  - The remaining 279 acres will be used for open space, conservation and non-motorized recreation such as hiking, mountain biking, hunting, fishing etc. This will contain critical habitats and forest habitat. There is lots of timber that remains and is valuable to town in the future for revenue.
  - We have an article submitted for the June 1<sup>st</sup>, Town Meeting Warrant to approve the \$678K of funds to needed to acquire the land. This includes 10K endowment for OLT, but no new taxes. A Secured Forest Service Grant will cover \$344K, and a MA LAND Grant will cover \$400K, however these grants apply to conservation land. We have obtained another \$75K in fundraising. Hamilton Rod and Gun is also running a fundraiser in the next few weeks.
  - The land is valued at \$1.5 million and 68% has been already secured through funding which is a great feat.
  - I'm here tonight looking for the ConCom vote of support.
- **Commission comments and/or questions:** JK, CM – All good news. EG: How many articles? DS – Not sure as legal is in the process of finalizing. This project should have one article, which should identify acreages of active recreation, passive recreation & Conservation. Planning Dept supports, vote was unanimous. Town meeting will submit ANR plan. EG: When is the FinCom meeting? DS: Not sure yet as it's still with legal.
- James McCarthy, Fish & Game, The 300 ac parcel has been approved as a FY15 project, as for Brookfield land, it has to be acquired before June 30<sup>th</sup> provided that the Town approves. Those 25 ac has an appraised value at \$160K which is about \$6400/ac. EG: Any watershed into South Pond? JM: Not that I'm aware of.
- Clarence Sneider, Hamilton Rod and Gun – Regarding the funding aspect, we did match up to \$10K. We expect to get additional funding and want it to move forward.

- Vote: Via unanimous vote, ConCom is in support of the Plimpton Project.

**Public Hearings:**

**7:00 Notice of Intent, DEP #300-924, 98 Gladding Road, Teresa Paquin. Construction of a 22x22 garage in the buffer zone.** Lenny Jalbert, Jalbert Engineering is representing owner.

**Documents submitted:** None

**Scope:**

- Owner is proposing to construct a garage attached to an existing house.
- We are meeting with ZBA this Wed for an RDA. Planning shouldn't have an issue with approval in a positive manner.
- (2) 18" pine trees to be removed. There is room to put trees (4) replacement trees but ConCom can decide on the locations.
- Construction is 100' from lake. No stockpiling during construction.
- Drainage for building will be contained with drip strips and no run off into lake.

**Commissioner's comments, questions:**

GC – There is history on this lot. In 2001, Enforcement Order for tree cutting. In 2002, Enforcement Order for debris in stream. In 2008, a septic system repair under an OOC and (1) ash tree removed. In 2010, a large pine removal request was denied. I'm concerned with potential issues currently still going on. At our site visit today, the area near the steep slope is filled with stone which is in the buffer zone. The property lines don't seem to match up, due to many parked cars. LJ: The Pacquins bought in 2012, after the issues occurred, but a special town meeting did resolve these issues with the previous owner. GC: I'm concerned with large boulders near septic system, and ConCom should have been made aware of due to the BZ but it seemed to have resolved any outstanding issues. Can you dig under the stairs for garage? LJ: Yes. GC: I'm concerned with growing ground cover. LJ: It's all ledge. CG: We will want jute edging to hold soil in place due to lack of sun to make sure the area is stabilized well. LJ: We can use a geotech style mesh to help. EG: There is a portion that seems that you have to fill. LJ: No, we are drilling, pinning it so to pour concrete for footing since its all ledge. JK: I was unable to go on the site visit, so I'm deferring to the agent for a decision. EG: I'm concerned with execution of the plan. I would like another site visit. LJ: I will have a contractor on site to discuss ConCom questions. DG: How will you attach hay bale on ledge? LJ: You have to pin it. CM: How soon to start? LJ: ASAP. **Requesting a continuation to next meeting on 4/16. Consensus granted. Site visit is 4/14 at 8:15.**

**7:15 Notice of Intent under the Sturbridge Wetland Bylaw, 166 Podunk Road, Ethan Hillman. Septic system, fill and grading in the buffer zone.**

166 Podunk, Ethan Hillman. This is a NOI for work in the 100-200' buffer zone for installation of a septic system that will have fill and grading that will stop at the 100' buffer zone. Flags have been placed at the 100', 200', and for the tank.

Rick Para, Para Land Surveying, is representing Owner, Ethan Hillman.

**Scope:**

- A single family house to be built. This lot has frontage on Bushnell and Podunk.
- The 100 BZ line is below the septic system. The 200 BZ is between the house and the septic. The house is outside the 200 BZ. The lot was previously approved for construction in 2003. A well was drilled at that time and then the lot was sold. Want to start building ASAP.

**Documents submitted:** Legal tear sheet and the Abutters Notification. There is no DEP # issued yet.

**Agent Briefing:** There is a forested area in the rear. I noticed pooled water, but feel it's due to ground thaw and run off. This is a raised septic system, so why is the depth to ground water that shallow? RP: it's 30" deep from surface. GC: There will be a large amount of disturbance on this lot which is the corner. I feel one row of hay bales will not be adequate, so I recommend adding another row at the 200 ft. line to eliminate the overload on just one row of hay bales. The swale as constructed, will redirect water into this area. I feel it should be isolated from the septic area and install check dams. RP: That swale will be in place during construction. The intent is to build the house first, then put in leach area in back, basically done in 2 phases. GC: Then I would like to see it stabilized. The area near house with winter rye, for phase I while construction is ongoing in the septic area. RP: I feel house

area is fairly level. DG: 2 pine trees are being removed? RP: In the front, yes, it's beyond the 100 BZ. DG: A few trees (of 6" dia.) along the line will be removed? RP: Any pine near a house construction should come down as they lose integrity when you build that house. They eventually fall. DG: What is the slope? RP: 3:1. It meets Title V requirement. DG: Those trees should be put on plan that they will be cut down. CM: How much higher will the septic system be to exit grade? RP: About 4' fill at the lower end of the septic. EG: Will there be a full foundation? EH: Yes. GC: You need to put a curtain drain with discharge on the plan. EG: I'm surprised that you can get a perc. RP: Many times you can perc below a high water table. **Motion: To close the public hearing and issue a negative determination in accordance with the Town of Sturbridge Bylaws, as work can be done with NOI filing.**  
**Discussion: None. Vote: 4-0**

**7:30 Notice of Intent, DEP#300-tbd, Walker Pond, Tom Flannery, Project Manager, MA DCR. Aquatic management program.**

**Documents submitted:** Abutter notification and the legal ad.

Agent Briefing: We have a DEP#300-925

Scope:

- Tom Flannery, PM for the work at Walker Pond. DCR was approached by park staff last summer that the swim area was becoming encroached with weeds. Variable milfoil was found in this lake and rapidly spreads. This lake could be completely covered which is a concern. This lake is the centerpiece of the Wells State Park area and we have secured funding with Aquatic Control over the next two years to take care of it. If the Milfoil is not cared for it will continue to spread. We are seeking ConCom approval of a lake-wide weed management program.
- Dominic Maringaolo, Sr Environmental Engineer, Aquatic Control Technology. Our plan in working with DCR is to take a "whole pond" approach. This program will include pre and post treatment monitoring. We will be using a spot treatment in recreational areas and a back-up of algaecides to maintain safe recreational areas. EG: Where will this take place? DM: The state park beach and the 2 association beaches. These treatment products are registered for aquatic use and approved by the EPA and State regulations. We also have to obtain a permit to use them and we are fully insured.
- TF: To further elaborate on DM comment of treatment, the more commonly used herbicides, will leave some of the other species alone while still treating milfoil. There are no recreational restrictions while these products are being used but some parks do close and will post signage. EG: in the past we have put signs to keep everyone out of water for 48 hrs. JK/CM/DG ok with the project as submitted. The Order is good for 3 yrs. **Motion: to close the Public Hearing, and accept project as presented and issue a standard OOC and to notify ConCom the of day of cleaning. GC: Have you heard from Natural Heritage? TF: No response back yet. GC: Therefore we must issue a request for continuation to the next meeting on 4/16. If NHESP responds, we can then open/close the meeting and issue OOC. Continuation granted.**

**Old Business:**

**Hammet Brook Dam Removal Project:** Wed 4/8 @ 10am, in the Center Office Building, we will discuss the 60% review. The public is invited.

**OSV Movie Set Burn:** GC confirmed upon several occasions that all erosion controls were in place before and after burn. The crew used a foam instead of straight water which is bio degradable and didn't allow anything cross the road.

**Enforcement:**

**29 Main Street, Brian Eisold.** Restoration work in BVW and buffer zone, establish work limit line.

Now that the snow has melted, a previous site visit had to be rescheduled due to agent illness. Site visit scheduled for 4/14.

**Forest Cutting Plans:**

**105 Main Street, Theresa Johnson 4 acres and Shepard Road, Ariana, Inc. 50 acres. Continued from 2/19/15.**

Tony Grossi, Grossi Forest Products was present.

**TG Briefing:**

- I spoke with Kate Marquis, the State Forester, as a revised plan has been issued. The plan now shows variable filter strips around the marked vernal pools. This was approved with 2' of snow on the ground, regardless that an extensive wetlands delineation was previously done. Please note that we may see some changes moving forward as the snow melts. Glenn Krovosky flags were marked very well. TG and KM double checked the flags locations.

**Commissioner's comments, questions:**

- DG: Why filter strips? TG: As the slope changes, the filter strip will change. Other changes on the plan marked the underground stream which is now on the plan.
- EG: I spoke with Greg Morse, DPW, he said the Shepard Road site for landing is bad site but didn't think the Rt. 131 site was any better. You would need to lay down mats over the culvert. TG: Yes, but we still have curb cut issue. Johnson is 3-4 acre site, there will be little cutting that will occur here.
- **Agent Briefing:** Concom has received (2) letters from abutters: Sue Reil, 105 Shepard Rd and Teresa Gorman, 10 Orchard Rd. The Commission opened letters received and read. GC: In summary the land owners are concerned. I have read both letters. The Commission has to work within a jurisdiction. The mentioned landing, staging areas, edges of road are not within our jurisdiction. Here are the concerns as letters were read aloud for the audience:
  - Reil is concerned with:
    - The landing and service area. GC: The foresters designates that area, this is not in our jurisdiction.
    - Edges of road. GC: This not a ConCom wetland issue.
    - The road is used for walking, biking and running. GC: This is not ConCom jurisdiction area.
    - Stagnation of home values. GC: This is not in our jurisdiction.
    - Stream runs every spring. From the ridge behind our house across the landing every year. GC: This might be in our jurisdiction. Although according to GIC mapping, there are no wetlands, but possibly its winter sheet flow.
    - Daycare, noise, air quality, insects and CORI check on workers. GC: This is not in ConCom jurisdiction. I feel these are items are to be discussed with the BOS as these items list concern of safety and well-being of residents. Our jurisdiction is for wetlands.
    - Teresa Gorman letter mentions the same issues/concerns. These letters should be going to BOS. She mentions that drainage and flooding is a concern, but contours on ORAD map shows no real possibility of this to occur as the ridge will protect the homes in one area and the other area flows down to the cut. GC: We need to pass these letters along to BOS with our recommendation.
- EG: I feel there is concern with wood from Johnson across the wetlands and therefore is less safe for residents and the road. I can't recommend this plan. It's a safety and road issue.
- DG: I feel it's a safety issue and to avoid wear and tear on that property, they should come out on Rt. 131 is a better idea. DG: Guidelines of Forestry - who determines? JK: There are requirements and there are recommendations. These are what determines the guidelines.
- CM: Our 10-day comment period expired with the state and town, correct? TG: Yes for the State. The Town is 21 day comment period and yes it has expired for the Town.

**Vote: 2-2 (DG/EG), fails and will not give recommendation of approval to BOS for both plans. 4/21 will be next BOS meeting.**

**Correspondence:**

CR's: EG: saw Bob Levite, said he hadn't received any communications. GC told him that we are meeting on April 16<sup>th</sup> to finalize the other 3 CR's. Although we are still working on Riverlands, we hope to put on a thumb drive 4 of the final CR's and copies of where the changes were made on each CR. ED Hood, OLT, needs to run by their

attorneys also. Once both sets of attorneys have reviewed, they will then will go to Irene, EEA to get her input and if any changes are requested, we will make them. The Riverland change is the 1 acre envelop off of Holland Rd. There is a lot of conversation on the Belanger piece which separates the land. GC suggested different verbiage for which OLT will further review. Mary Dowling, BOS commented on Riverlands.

**Meeting Adjourned: 9:05 pm Motion: CM 2<sup>nd</sup>: DG Vote: Unanimous**

**Next Meeting:** Thursday, April 16, 2015 at 7:00 pm

*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.*