

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, April 16, 2015  
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  
**6:45 pm** Reconvene Meeting for Regular Business

**Quorum Check:** Confirmed

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

**Others Present:** Glenn Colburn (CG), Conservation Agent  
Cindy Sowa Forgit, Conservation Clerk  
Applicants and/or Audience Members: Howie Fife, Leslie Duthie, David Travinski, Kevin Scherer,  
Leonard Jalbert, Brian Eisold, Beverly Litchfield, Bruce Gran, Debbie Gran, Scott Morrison, Mike  
Daunais and Wayne Oalowski

**Committee Updates:**

- CPA – (EG) Met earlier this week and discussed the Plimpton property changes in numbers regarding the influx of cash to the project. Most of the case will be absorbed by expenses to work to land transfer (appraisals for example), The MA LAND grant for \$400K, the US Community Federal Grant for \$678K CPA Funds, Fields Pond will contribute \$15K, The Bathen Fund \$50K, Hamilton Rod and Gun \$10K, private acquisition capital Fund \$120,750, Trust for Public Lands \$31K. In order to get State money we will need a 2/3 vote. The ballot has to read the total amount of \$1.78 million instead of the actual funds needed of \$678K, however these funds will be paid for out of CPA monies.
- Trails Committee – (DB) met last week to discuss and organize the Saturday work day at Heins Farm and winter chores. This winter in particular, was tough on the trails. We will start by spreading gravel on Saturday from 8am – 12. Public is welcome to help out.
- Lakes Advisory Committee – (DG) DG will continue to gather information for the Lakes informational brochure. DG will work with the new Conservation Clerk to compose the guideline literature into a simple document.

**Approval of Minutes:** April 2, 2015: Motion: DG: 2<sup>nd</sup>: JK vote (3-0; 1 DB abstain)

**Walk-ins:**

**Cub Scout Pack 161: Kevin Scherer, Wolf Den Leader, is proposing project, as an extra-curricular activity for his troop of 2<sup>nd</sup> graders.** KS a Forester for a Living and Management of Natural Resources and is familiar with this type of project.

**Scope:** Since early successional habitat is limited therefore we are proposing to put out wild flower seed mix, a castile box and bluebird houses which we have built, to be mounted on a staff in middle of the field. Will this be ok in field with mowing? GC: I see no problem. The houses will be about 5'-6' off the ground. The birds must be in a more open area for them to thrive. These would be put in middle of field. EG: Where on the property will you locate these houses? GC: In the hayfield and the early successional field. GC: Can put the houses along the back edge of hay field or in the middle of the field. Currently there are about 8-10 bird houses. DB: You may want to put houses near each other, but the openings at opposite ends. There is a small field at Camp Robinson Caruso, near OSV, little field off to the left. KS: We propose to do this on May 3<sup>rd</sup>. DG: Castile? KS: Birds that numbers seem to be decreasing. Their house would be about 10'-12' off the ground. Very large bird house. DB: There are snags on the Camp Robinson property if that helps.

**Public Hearings:**

**7:00 Notice of Intent DEP #300-908, 69 Route 84, (DPW fields), Parks & Recreation. Construction of recreational fields in Riverfront Area and Flood Zone A. (cont. from 8/21/14, request to continue to 4/16/15).** Representative is requesting a continuation to the meeting scheduled on May 21st). Continuation Granted.

**7:15 Request for Determination of Applicability, 44 Burgess School Rd, David Travinski. Remove masonry blocks, remove stumps, grade and seed at shoreline.**

**Agent Briefing:** To determine if the proposed work is subject to the Wetlands Protection Act and/or the Sturbridge Town Bylaw. Owner will be removing masonry blocks, stumps and will seed with a grass mixture. The shoreline does qualify as a bank, so it's considered a resource area.

**Documents Submitted:** Applicant provided pictures for the Commissioners to review at the meeting.

DT: I met with everyone on Concom recently at a site visit. It's a small cottage on water. About 50 yrs. ago it was removed but left the remnants of the foundation. The blocks have been there for years. There are 2 sets of birch trees that have grown in that area. In 2010 -11, the hurricane took out 7 of the birch trees. 1 set hit the deck of house and I cut the ones against the house. We thought one set of birch would grow back, but they died and were cut. We have an erosion issue that occurs every time a wave goes through the blocks. It will carry some dirt with it when the wave recedes. I am proposing to remove the blocks, re-grade and seed along the shoreline, like the rest of the area currently there. I believe the stumps and root system has created voids under the ground. The proposed area is 25'-30' – 10'-15' in size. The work would occur during draw down. We will use hay to grow the grass.

**Commission's comments and questions:** GC: This is a resource area. Hay bales are needed until the area is stabilized. Have you thought about planting? DT: No. We were hoping the grass would establish and stay. JK: No comments. DG: Concerned with this proposal. Does the water erode where cement blocks are located? DT: Yes. DG: When is drawdown? The 3<sup>rd</sup> or 4<sup>th</sup> week in October. DG: Does the area with grass erode? DB: To the left of where the birch was buried in sand at water level, there are 3-4 concrete structures. DT: They are pieces of granite. DB: That is holding that area stable. EG: The other section seems stable. Do you put beach sand in? DT: No, maybe in the 80's it was done. DG: This section that you are talking about removing is the one section where habitat lives and I'm concerned for that habitat. Can you replace this area with something other than grass? DB: Can you plant High-bush blueberries? DT: Not the direction we want to lean in. EG: I have no issue to do this during drawdown. And to pull out that clump of area along with the block in that 25' area. But I agree with DG that if you want to leave the shoreline beach and grass only, that is not an acceptable solution. I would like to see a plan that would help the existing habitat at water's edge. DB: I see this as a 2 part issues. Part one: You may want to put in curbing to prevent erosion and to eliminate a beach/grass only area is the 2<sup>nd</sup> part. To put plantings on the corner near the lake and fence area, would be in the 25' no touch buffer zone. In theory you shouldn't replant anything there but it will help retain the soil structure. DG: We need to keep the lake healthy as that is our job. I would like to see this little habitat remain. DT: Ok we will put in a few blueberry bushes. GC: You will also need to address the erosion for the health of the lake. I would like to see 2 blueberry bushes planted in this area.  
**Motion: To close the public hearing and issue a negative determination #2 for work in the resource area that is subject to MA Wetlands Protection Act but would not require the filing of an NOI, and a positive determination #5 subject to work in the buffer zone subject to the Town of Sturbridge Bylaws as per the plan submitted and to issue an OOC permitting the removal of cinder blocks and the array under the water during draw down and to install hay bales for erosion controls. Once the project is completed, owner will plant 4 high blueberry bushes in a cluster to remain on the southeast corner: DB 2<sup>nd</sup>: DG Vote: 4-0**

**7:30 Notice of Intent, DEP #300-922, 136 Lake Rd, Bruce Gran and Beverly Litchfield. Raze and replace two single family homes, replacement of retaining wall, driveway re-configuration, removal of two sheds, grading and associated site work. (cont from 2/5 for favorable snow conditions and site visit).**

Scott Morrison, Ecotec, representing the owners, Bruce Grand and his wife along with his sister all present tonight.

**Scope Recap:** There are storm water improvements. 2 new buildings. To reconfigure the driveway slightly. To install a 4 bay with pipe/stone for water discharge. The settling pool is designed for road run off. Run off from the drive won't make it to the lake. Sheet flow across the property has produced turbidity which will now be improved.

Based on a recent site visit that was conducted, some changes to the plan occurred.

- The retaining wall was pulled out (a small section) to allow traffic flow for people.
- Several trees to come down, but 3 along the lake front will remain. Several of these trees are dead or dying ash. We have now provided a planting plan, for each tree that is taken down, a new one will be planted.

**Commissioner's comments and/or questions:** GC: DEP assigned #300-922 and no comments. Looking at the plan, I have questions about the infiltration basin. The neighbor to the South was putting drains under foundation. What are the soils like

in area and will they infiltrate the water and any overflow? SM: Yes, there is overflow that discharges to the pond. There is clean roof water run-off. Soils are pretty sandy. There is still snow on the property as of yesterday. DG: Are you not digging due to ground water? Will the rain garden infiltrate? SM: It's set in elevation about 1' above the lake. The rain garden is shallow 4 x 8 x 6" deep. DG: What if zoning doesn't approve? Lenny Jalbert: ZBA cannot refuse it by law, they have to approve it. GC: In the NOI, it refers to analysis of the habitat. It is important and I'm pleased to see that the wall will be built behind the rocks and then put back in place to help with habitat. DG: Why do you want the wall? DB: How high is water? LJ: Above the water level. It's about 2-2/12' in height SM: It's to prevent sheet flow and turbidity. DG: How long has the wall been there? Bruce/Beverly: About 1950, but, it deteriorates every year. It's restacked every spring, as the ice tears it apart every winter. The large boulders along the lake will remain. EG: Will you bring in an excavator and pull the top off of wall? SM: We are going to start at the waters' edge and work our way back. Stockpiled stone will be put in the back yard, done during draw down and when we install the turbidity boom. We will fix the wall and add additional silt barry on top of the wall. The silt fence and the debris barrier will act as a double line of protection. DG: How far back can you move the rocks? LJ: They are moving back 1 – 1 ½' feet. EG: Are you filling 82 SF, then? LJ: Yes. The net surface area of the pond, won't change. DB: Frontage? LJ: About 61'. **Audience Questions:** None. DB: What is happening with the trees on the roadside? SM: Those need to be removed so to install the 4 bay basin. EG: 3 trees in front will remain, the rest are removed. DB: I'm concerned for that section of the road is unstable. SM: The retaining wall with boulders and the basin will be loomed and seeded to prevent this. They will capture water and transfer to the swale. LJ: It's a 12" pipe going through there, a 2-5 yr. storm would be high time for water which typically, will not need to take in that much water. DG: Any tree replacement? SM: Yes. 1:1 replacement. Proposing a grass swale along the side and at the very shallow parts with a couple of check dams to slow water flow. The remainder will be grass. The rain garden will contain native plants. DB: Can you plant decorative grasses near the check dams to help with velocity breaks. SM: Sure. EG: What are you doing along the water's edge? SM: 1 dead hemlock will be removed, all the other trees remain. We are pulling house further away from water and the native plantings. The (2) sheds will be removed. BG: Where there is no grass, we are letting the natural plantings grow there. DG: I'm concerned with the wall. DB: If you leave wall, it will continue to collapse and further allow erosion. BL: That stone wall is very unstable and unsafe for people near the water. We want to leave the natural stone wall, but we just want a safe structure near the wall and near the dock. EG: Moving wall back 1' and then you restack behind it. BG: Yes. EG: I have no issue with wall behind the wall. DB: I see this wall as an improvement since the majority of this wall is unsafe, outside of the large stepping stone area. DG: No deck? BG: No deck, just a screened-in porch on the existing footprint. **Motion: To close the public hearing and issue an OOC as drafted by the Agent: DB 2<sup>nd</sup>: JK Vote: 4-0.**

**7:45 Request for Determination of Applicability, 10 Cedar Pond Road, David McGuill. Remove and re-build enclosed porch and stairway in the buffer zone.** Wayne Lowsky, is representing the owner.

Scope: The owner is proposing to add an enclosed staircase for safety. There will be no changes to the site in terms of vegetation and elevation. A silt fence will be installed prior to excavation and will remain until the site is stable. I will tarp the work nightly. There will be no digging on site except for the sonitubes. DB: What is the diameter of the sonitubes under the deck? Will you dig down? WL: Yes, we they will be 10" tubes and 24" footing under the deck. To be installed 4' down. There will be 2 new footings with a 4' frost wall. DG: Is it closed off underneath? WL: Yes. EG: The porch will be turned into room and add an enclosed staircase. WL: Yes, a 3'6 x 11 (48 SF) area will be added. Planning and Zoning gave approval last night. The deck is existing. EG: We have a 25' no touch buffer zone and a 50' no new structure buffer zone. This would constitute a new structure w/in 50' GC: The distance to the lake is 22'. This is not encroaching on anything further than what is currently there. EG: But this structure is covering more area. DG: Maybe we do other things to help the lake. DB: Maybe we add shade tolerant plantings on the slope side. EG: Expansion at this point, is a concern. I understand the applicants' need to access his basement as he is currently unable to due to his disability. I feel an engineer might design a better plan. DG: Is there another way to get to the basement? WL: He must go outside down, stone stairs. JK: I say we let the project move forward based on his situation. WL: We are staying with the existing grades, however it's so low impact, not sure how it's detrimental to the lake. DG: What is the drainage like? WL: The existing will remain as is. It currently comes from the roof (less than 100 SF area), goes into a gutter which goes into a stone area that is existing. Water is coming off roof. **Motion: To leave the public hearing open, and issue a negative determination #3 for work in the buffer zone but will not won't impact resource area under the MA Wetlands Protection Act and issue a positive determination #5 for work in a the buffer zone subject to the Town of Sturbridge Bylaws, as per the plan submitted and discussed. Owner will provide planting plan: DB 2<sup>nd</sup>: JK Vote: 2-2 (DG/EG) doesn't pass. Public hearing remains open the applicant requested a continuation to the next meeting, May 7th. Vote 3-1 (EG).**

**8:00 Request for Determination of Applicability, 4 Old Brook Circle, Michael Daunais. Construction of an in-ground pool in the buffer zone.**

MD: We are proposing a 42x31x20 pool to be installed on our existing property. We see no reason to go into the buffer zone. We are 15' out from the deck which leaves us with about 153' to the buffer zone. There is no deck around the pool, just a concrete walkway (3' wide). DB: So then you are about 150' from the buffer zone. JK/DG: We see no issues. MD: We are going to dig a test hole due to all the ledge in this area. If that doesn't go well, we won't be putting in a pool. Timing: end of May.  
**Motion: To close the public hearing and issue a negative determination #3 for work in the buffer zone but will not won't impact resource area under the MA Wetlands Protection Act and issue a positive determination #5 for work in a the buffer zone subject to the Town of Sturbridge Bylaws, as per the plan submitted and discussed with the following conditions: Erosion controls to be installed, excess fill disposed of site and erosion controls to remain on site until agent deems appropriate time of removal: DB 2<sup>nd</sup>: DG Vote: 4-0**

**8:15 Notice of Intent, DEP #300-924, 98 Gladding Road, Teresa Paquin. Construction of a 22x22 garage in the buffer zone. Continued from 4/2/15.** Lenny Jalbert, Jalbert Engineering representing Owner.

**Scope:** A site visit was recently conducted by the Concom. The owner is proposing the construction of a single stall, 1 ½ story garage. It will be 9' from the house. This project passed ZBA, however under 2 conditions: no electricity on ½ story of the garage and that a certificate of compliance be issued for the septic if an affirmative vote from Concom is obtained. We will remove (2) 18" hemlocks, the paved drive will remain. The garage will be drilled/pinned into ledge. Hay bales and silt fence will be pinned also. GC: I have no comments. DEP issued a number and have no comments. DG: Any replacement trees? LJ: It's a small lot, the front is the only possibility but it contains a ROW. EG: There are clusters of trees near the water. **Motion: To close the public hearing and approve the plan as submitted: JK 2<sup>nd</sup>: DG Vote: 3-0 (1 abstention - DB)**

**8:30 Notice of Intent, DEP#300-925, Walker Pond, MA DCR. Aquatic management program. Continued from 4/2/15 for NHESP comments.**

Agent Briefing: DEP had no comments. Natural Heritage has no concerns for the habitat. Requesting the Commission close the public hearing. **Move to close the public hearing and issue an OOC: DB 2<sup>nd</sup>: EG Vote: 4-0**

**Enforcement:**

**29 Main Street, Brian Eisold/Clearview Landscaping. Fill in a wetland. Work in the buffer zone without a permit.** A 3/31 site visit pending on snow conditions. Pending until snow melts.

Agent Briefing: There was a violation back in Sept of work within the buffer zone. There are heavy invasives on site. I shot photos of tire tracks in the wetland. A 2010 Google Earth photo shows a trailer that is no longer on site. BE also submitted historical photos: In 1971, it shows some parked cars in the area, no trailer. In 1997, shows the same area with same building. In 2005 shows the same building with a white trailer. Fill extends back into the buffer zone. In current photo, cars are parked 2/3 back which leads me to believe the area has re-vegetated itself. We need to determine where we will allow parking while considering a wetland in the rear as this needs to be protected.

Commission's comments and/or questions: DG: Was more fill put in? BE: No fill has been added, this area has not been touched. I made a berm across with the wood chips and put in waddles. DB: What is the line on the ground? BE: A proposed fence location. The edge is out 12' where I would plant 4 more trees. I changed the flat area from a 1:1 but tow of slope remained 3:1. DB: Can we put stakes into the tow of slope and then he can put in a fence? The other slope area will pull 3' back. EG: I need another site visit for which we can conduct a public meeting at the site location. BE: Ok, as I don't want to extend this again as it's been 9 months. I want to put up a fence up so there is no more encroachment, and then plant 4 more trees. JK: Would like to look at the site with this new option before us tonight. GC: For the site visit we will get a tape measure, put in some stakes. We need 48 hrs. to advertise the meeting on site. The meeting will be Tuesday, 4/28 at 9am at the site. Consensus.

**9:20pm – DG excused herself from the meeting.**

**Request for Certificate of Compliance:**

**DEP #300-451, 63 Beach Ave, Dave Aho.** Work not in compliance with Order of Conditions. Jalbert Engineering is preparing a restoration plan. We should see a plan soon.

**Emergency Certifications:**

**299 Clarke Road Ext. A.J. Comeford.** Emergency Response Action to address a diesel fuel spill of undetermined quantity. Diesel fuel spilled into Big Alum Pond. We need to obtain signatures to do work in that area. CMG Environmental Services, Inc. will be doing the work. This Certification is valid for 60days vs. the normal 30 days due to it being a fuel spillage in a waterbody.

**Letter Permits:**

**60 Mt Dan Road, Thomas Faxon.** Tree removal application for two trees.

**Agent Briefing:** Requesting the removal of 2 trees. We were on site to look at these. They are hemlocks that have died. JK recuses himself. **Vote 3-0 to remove dead trees.**

**Order of Conditions:**

**166 Podunk Road, Ethan Hillman.** Requesting signatures. Granted.

**Meeting Adjourned: 9:32 pm Motion: DB 2<sup>nd</sup>: EG Vote: Unanimous**

**Next Meetings:** Tuesday, April 28, 2015 at 9:00am and Thursday, May 7, 2015 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.*