

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, May 7, 2015
Sturbridge Center Office Building, 2nd 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: David Barnicle (DB), Vice Chair
Donna M. Grehl (DG)
Calvin Montigny (CM)
Joseph Kowalski (JK)

Members Absent: Ed Goodwin

Others Present: Glenn Colburn (CG), Conservation Agent
Cindy Sowa Forgit, Conservation Clerk, pro tem
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Leonard Jalbert, Frederick Shea, Andrew Cormier,
Todd Winchell, Wayne Orłowski

Committee Updates:

- CPA - no update
- Trails - No Update
- SLAC - moving meeting so DG can attend the next meeting. To move forward with regs/recommendations for SLAC soon. Requested commissioners send guidance to DG for this project.

Approval of Minutes: April 8, 2015; Hammet: Motion: DG: 2nd: JK; vote: 4-0

Walk-ins:

Todd Winchell: 70 Westwood Drive, exploring purchasing property at 70 Westwood Drive to build 4 BR SFH.

A proposal has already been submitted and approved on the lot by the original owner in 2008, OOC #300-766. The order will expire in January 2018. That plan included a house with a garage underneath. TW Question: what is necessary to shift the location of this house? What are Concom rules and regulations? We want to shift the position of the house for a yard and a better view. The foundation will be slab on grade, requiring less excavation.

CM: what is the square footage of the building? TW: 4000 SF, but we want less than that. DG: what is distance from lake to front of building. TW: about 50-70' GC: no work closer than 50', around 75'. DB: how much tree cutting. TW: not much, more of one side of hill and leaving more of the hill on other side. JK: how is this going to be a selective tree cut? TW: a lot of dead trees now. DG: Will house be closer to lake TW: No, just a shift of position to see the lake. DG: house is at 75'. GC: yes, it appears to be. JK: seems consistent with what was approved in 2008. DG: our concern is the buffer zone. Can't cut trees. TW: has OOC, good till 2018. DG: deck area, concrete? TW: there was a deck that was proposed originally. TW: spoke with Green Hill.-GC: no closer to water, no increased impact than what was originally opposed, then it should be allowed. Meets our setbacks. TW: Sewer tie in. DB: you may want to ask Mark Farrell, concerned with versa lock wall that will be removed. TW: not moving the wall, will continue to use. JK: ok CM: ok DG: concern with open area. DB: 50' no touch, keep within 75' of house. Cutting of vegetated growth needed do to slope. DB: no issue, just maintain buffer zone. DG: all set now.

Consensus. JK: this is an amended OOC; May contain additional items once engineered drawing is submitted.

Public Hearings:

7:00 Notice of Intent, DEP #300-920, 38 Hamilton Road, Ky Nguyen. Cont from 1/8/15.

Wetland crossing for driveway. Construction of a SFH, septic system, and associated site work in the buffer zone.

GC: Requested to be continued to 5/21 7:15; Art Allen, Ecotec, will review soils on site and comment at next meeting on wetland delineation. There are flags out.

7:15 Request for Determination of Applicability, 10 Cedar Pond Road, David McGill. Remove and re-build enclosed porch and stairway in the buffer zone. Continuation from 4/16.

Documents submitted: plan of proposed additional planter and pictures of area (via ipad).

Wayne Orlowski, contractor representing owner, is requesting reconsideration of this board's previous decision from April 16 meeting. For this discussion, the porch renovation plan has not changed from previous presentation. Both the Zoning Board and the Fire Department agree that new stairway would increase safety for the owner. Zoning Board has approved. The owner, Mr. McGill is handicapped and cannot go down the existing stone staircase to get to basement. The concern is his ability to seek emergency shelter quickly if necessary (tornado). The proposed enclosed staircase will create an additional 39.6 sf of impervious area. There will be no removal of trees or shrubs. The client will agree to install a tree, and a step planter that will include blueberry and sweet shrubs to provide habitat. Water will infiltrate to the planter. There will be no run off into the lake. Silt fence, all work covered with tarps. DG: why will planter installed? DB: it will break velocity and gives to habitat which is what we were concerned with losing initially. DG: I was initially concerned and now I am fine with it. **Motion: To close the public hearing and issue a positive determination #5 for work, subject to the Town of Sturbridge Bylaw and a negative determination #3 for work within a Buffer Zone that will not impact a resource area, therefore an NOI will not need to be filed: DG 2nd: DB Discussion: None; Vote: 4-0**

7:30 Notice of Intent, DEP #300-926, 170 Lake Road, Frederick & Susan Shea. Raze and rebuild a SFH with addition and garage in the buffer zone.

GC: 170 Lake Road, Frederick and Susan Shea have filed a NOI for a raze and rebuild on the shore of Big Alum. Comment received from DEP about the trees that are proposed for removal at the shoreline. The plan is attached. Please look at the size of the original cottage and the large addition and garage to be added to it. It appears to me the whole site will be disturbed. Should we ask the house be moved back out of the 25-foot buffer? Out of the 50-foot?

LJ, Jalbert – representing owner Frederick Shea

Documents submitted: new info: DEP file number 300-926, new abutter notification, new legal ad and certificate of mailing to abutters

Scope: Proposal is to remove the existing structures (house and 2 stall garage), build new house with attached garage. Can't move house to due to it being a non-conforming structure on non-conforming lot. Front of lot: lot of restriction, non-buildable area: set back lines, the power line is a no build area. If we push the house back, we go against zoning regulations, which would require a variance, but the ZBA won't allow variance on this site.

The site is serviced by town sewer. The well will be relocated (min of 50' from septic pump). We will cut down the deck and add a disbursement drain with zero run off from the structure. The original house is 866 SF with the deck, and the garage (2036 sf), proposed addition (2577 sf); this equals approximately a 25% coverage increase in lot coverage (from 11% to 15%). Less coverage of new deck. But 70 SF add'l w/in the 50' buffer zone. Eliminated front of deck. Trees proposed to remove: (2) by water edge, a spruce and a 36" oak.

Agent briefing: DEP comment: concerned with trees in front, don't want roots removed. Glad to see the trees now remain. Site visit earlier this week, cinder block foundation, assume not used with new house. So this lot will be cleared to do the construction. I think we should consider new construction and move house back away from lake beyond 25' as far back as possible. Why move garage into 100' bz and addition w/in the 100'. I think ZBA may approve if staying w/in set back lines. LJ: ZBA can't vary from original footprint, thus no variance will be granted. DG: have you tried to use Concom as a reason to get variance. LJ: I have tried for 50 yrs. No variance will be granted. DB: keep garage, move house back. Can't have the house 12' from the lake. 25' no build, 50' no new structure. LJ: ZBA in 2 wks. I will convey your concerns. Request cont. meeting to take place after ZBA meeting. GC will attend that meeting with you. CM: keep garage, move new part to proposed garage and ZBA wont' accept it. LJ: not sure. If you look at primary structure, it takes precedence over secondary structure. This is a non-conforming lot in area and frontage, ZBA will require a determination or variance or special permit. DB: feel that there is filling

at the boat launch area (pea stone), not angular enough to stay so it's headed into the lake. GC: suggest honeycomb geotech structure to stabilize bank. LJ: agreed with this solution. **Request a continuation to the next meeting on 5/21. Granted.**

Enforcement:

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

Brian Eisold/Clearview Landscaping. Fill in a wetland. Work in the buffer zone without a permit.

Agent Briefing: Site Visit meeting to discuss on Tuesday, 4/28 at 9am. GC has drafted letter and sent to all Commissioners regarding the outcome of the meeting: to establish the limit of usable area in the rear and request owner to install fence or row of boulders to identify that area. Commission gave consensus to send letter to Owner.

Emergency Certifications:

299 Clarke Rd Ext report – diesel spill, many site visits – clean up booms out of water, all diesel absorbed, stabilized soils and 2nd area found diesel spill and cleaned up, removed contaminated soil and stabilized, seeded and stabilized with stone and mesh covering. Will continue to monitor drinking supplies from shallow wells for seasonal camps. Water must run clean for a week when they go to check, nothing has shown up and will send report – they have 60 days to do cleanup. The party who caused this accident is paying for cleanup. DG: put letter in lakes recommendation

Forest Cutting Plans:

181 Podunk Road, Robert & Judith Moynagh, 30 acres harvesting, site visit. This is an active tree farm. Recommend commission approve this plan. Harvest is in a wetland, it's an intermittent stream. Can harvest up to 50% basal. 100' filter strip. **Commission gave consensus to move forward to BOS.**

Meeting Adjourned: 8:30 pm Motion: DB; 2nd; Vote: Unanimous

Next Meeting: Thursday, May 21, 2015 at 6:00 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