

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, June 4, 2015
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: **6:00 – 6:45 pm** Continue work on Bylaws
 7:00 pm Reconvene Meeting for Regular Business

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman **Absent:**
 David Barnicle (DB), Vice Chair Calvin Montigny
 Donna M. Grehl (DG)
Arrived at 6:20:
 Joseph Kowalski (JK)

Others Present: Glenn Colburn (CG), Conservation Agent
 Anne Renaud-Jones, Conservation Clerk
 Applicants and/or Audience Members: Leonard Jalbert, Andre Cormier, Frederick
 Shea, Susan Shea, Brenda Meisl, Josef Meisl, Atty. Chris Myhrum, Brian Eisold, Glenn
 Krevosky, John Argitis

Committee Updates:

- **CPA:** The Plimpton CR acquisition passed at the Town Meeting; Letter from Darci today: They want to close by June 15th; the two CRs are pretty much same as other CRs we have been working on; Glenn can send copy to everyone to review next meeting ;
- **Trail Committee did not meet**
- **Lakes Advisory Committee;** DG has not been to mtg yet; DG will start working on a preamble for the Lakes brochure project; will pick and choose from bylaws; We hope to start that soon. We should include a section on pesticides/herbicides; GC does the LAC publish minutes? DG: Yes, I'll send to Glenn

Walk Ins: NONE

Public Hearings

7:00pm, RDA: Brenda and Josef Meisl, 105 Paradise Lane have filed an RDA for installation of above-ground pool in the existing yard. GC; showing documents: aerial photo and a plot plan off town GIS. Pool will be in the back yard. Location is approx 154' to the wetland to the west. Size of pool is 18 x 33'; Being an above ground pool there should be minimal excavating to level ground. JM: excavation is not extensive, the soil will be dug up, sand will be installed, the pool will be installed on the sand bed. The removed soil will be used for raised gardening beds. GC: a site visit has been done; The area is outside the 100' buffer zone but within the 200' buffer zone; we advise installing straw waddles until the disturbed is stabilized. Won't need black filter fabric, DG: you need to be cautious of emptying pool water, and insure it doesn't enter the wetland JM: The pool will not be emptied over the winter, and we are using a new filter that produces much less backwash.

Motion: To issue a positive determination #5 for work subject to the Town of Sturbridge Bylaws, and a negative determination #3 for work within a Buffer Zone but will not impact a resource area. The work must include a straw waddle until the area is regrown, reestablished. DG 2nd, Discussion: None;

Vote: AIF

Motion: To close public hearing; DG 2nd Vote: AIF

7:15pm, 170 Lake Road, Fred and Susan Shea's.

Leonard Jalbert, Jalbert Engineering, representing Fred & Susan Shea, and Chris Myrhum, Law Office of Chris Myrhum of Springfield, representing Mr. & Mrs. Shea

LJ: Based on our last meeting, we are clear that our Plan 2 proposal does not fit with the town's bylaws and so are revisiting our original plan. We have examined the foundation; it has been found to be sound, with stable concrete footings and concrete block construction. We plan to keep the 27 x 27' original house as is, build a 25 x 30' addition onto the back side, then add a 2-stall garage (size?) onto the back. The purpose of moving the garage is to accommodate Mr. Shea, who is handicapped, and having the garage attached to the back of the house will be safer for him. The garage is completely outside the 50' buffer; lot is flat, garage will not cause erosion; drip strips will infiltrate stormwater. We are keeping the 2 trees that had we had once discussed removing. By keeping this foundation as is, there will be less disturbance to the site, will maintain our original footprint; We feel this plan will meet the requirements of the bylaws.

DB: what is handling the runoff from the house? LJ: there will be drip strips around; the area is already primarily gravel and stone; there is no vegetation, no grass; We'll be removing the stone, digging down 1 foot, put in stone for containment; we're not changing the characteristics of the area runoff..... EG: is this still a raze and replace? The plan still says "raze and replace"; is this still your plan?? LJ: No; we are not tearing the house down.... Well, if we are allowed to take the walls down, and put up new walls, we would replace them.... DG: because that would be considered a re-placing ...

Myrhum: existing structures are not subject to the new structure requirements. If the current foundation will support 2 stories, which apparently it will, given the definition of remove we only lose the existing structure protection if the existing structure is removed and replaced; we will not be removing the structure because "remove" requires a change in elevation; there will be no change in elevation; so it will not be a "removal" within the definitions of the regulations EG: the elevation you are talking about is the base elevation?? so you are going 2 stories from the base elevation. Myrhum right, it is my understanding that Elevation can only be understood that way in the context of the Conservation Commission; it is not a height or a architectural restriction; it is a matter of fill or alter; If an elevation is not changed, there is no removal taking place, and we will not change the elevation.

DB: what if you start this project and later find the foundation really should be shored up? In order to handle the weight, etc of a second story? Myrhum: this commission has previously ruled that "shoring up" of a foundation is a change in elevation. However, the information from our investigations is that the substructure is capable of handling this; we assume construction will not start until everyone is quite confident that 2 stories can be supported there...

EG: how far is the new construction from the lake? LJ the closest point from the corner of the new construction to the water is about 35' EG: So we have new construction 35' from the lake Myrhum: yes, under a criterion of "feasible" as opposed to "possible...And given the setback requirements of the property, that is the feasible distance..... Appropriate to the structure that needs to be built... The plan is design to accommodate the needs of Mr. Shea's disability in conformance with zoning and appropriate to the site...

JK: Is that a porch to the west side of the house?? Will that stay there as well? LJ: the existing deck and this walkway here will be removed in the plan has been made slightly smaller, remains in the same footprint in the front of the house, and has been removed from the (side) of the house. It is supported with piers; there is no change to the footing style.

Myrhum: Mr Colburn in his initial memo regarding the site noted to us that the removal of the deck was insignificant because it is essentially pervious already; altho it may pose some obstacles to construction Myrhum: this has all been discussed in meetings with Mr. Colburn this week with both the Sheas and Mr. Jalbert. It is our understanding that the deck is not an issue.

Any increase in footprint must take place at the greatest feasible distance from the (resource area) buffer zone? : so the criterion here is feasibility. We believe this is constructed is the most feasible... for this site' the proposed construction fits within the neighbor and consistent with neighbors....

JOE: 1) orig discussion, we asked you to move back from lake, keeping same sq footage and 2) new construction within 25-50 ft, not pourous; the lot is gravel - how significant is saving what's there now ; the house is not much difference to what's there now ... So why can't we move it back

Myrhum: 1) moving it back will separate it from existing structure, we lose the benefit of the regulations essential for maintaining footprint 2) is undesirable from an aesthetic viewpoint, would reduce the view of the lake, would

decrease the appraisal value of the property. 3 property would be incongruous with its neighbors, The topography of this property is a bit odd, the move will substantially diminish view of the lake.

They also run into problems regarding setbacks etc that were discussed at the previous meeting ; Mr Colburn was helpful in thinking through process; we thought taking this approach would avoid necessity of a waiver process; waiver criteria is strict... although there is a reminder that waivers may be granted more liberally considering lake-front homes, The reason we explored (the move-back) was because the commission asked us to.....and after reconsideration, thought it most efficient to come back to our original proposal; S Also, the Sheas were well aware of Mr Jalbert being well respected, environmentally competent

GC: this plan is their original plan; it was a "raze and replace"; a total rebuild, new foundation. The commission thought it best to take advantage of the new build to move the house to within the current bylaw buffer zones; we thought the move would improve the health of the lake. Altho the new plan did not get the building out of the 50' zone , I thought it was an improvement having moved it back from the shoreline.. The commission thought the plan could still be improved upon...

The Sheas came in to see me and discuss their options. We discussed keeping the original house and building off the back of the house, which is not out of line with many projects this commission has permitted before. Altho they thought keeping the existing house would cost more... I encouraged them to come before the commission again to review their options 1) total raze and rebuild 2) Total raze and rebuild move behind 25' 3) maintain current building to allow them to stay closer to the lake, and add on to orig building the same 2 back areas (living space and garage)

Myhrum: the problem with maintaining the existing structure and adding on is the substantial costs associated; working with barriers to new construction (working in a crawl space, etc;) . In the best interest of solid construction and efficient use of construction dollars, (and reworking heating, etc. Proposal #2 was generated from Commissions comments; and suggested that it was something and better than Proposal #1; the Sheas do not agree. The configuration proposed here is what the Sheas want, is suitable for their retirement years and meets the regulations that allow them to build this as a matter of their rights

EG: summary Decks are being removed, building is being razed, then they will determine suitability for foundation for 1 story or 2, if not suitable for 2; they will remove foundation and re-do for 2nd story; After or during 2-story, construction, decks will, be rebuilt.... Is this correct

Myhrum: We are not proposing at this time to alter the foundation because we understand it is the commission's view that pouring new cement is new construction, and would not be permitted under regulations. Our position is that we will evaluate foundation, and if it will not support 2 stories, then we will build only 1 story. EG: we propose you do eval and come back to us Myhrum: we would instead request a conditional approval so we don't come back and then face new objections from Comm Myhrum: Coming to the Comm with a decision of 1 story or 2 does not affect the Sheas right to build this structure

JK: - aren't they allowed to rebuild the foundation on existing footprint; they are allowed under grandfather rule; EG that's one interpretation DG: No, it becomes a new build; Joe; they can do that- on the existing foundation; they can build a new house Joe, but they are allowed ; isn't that what Stagis property?? Myhrum: if we stay within footprint and buttress current foundation (which has been allowed before) it should not affect exemption from new construction EG how do you consider this to be the same footprint Myhrum: I don't; Reg says for existing structures within 50' which are not being not removed (which we are not) but for which the footprint is changing (which it is) , any increase in footprint must take place at the greatest feasible distance from the resource area" So the only criterion is Are we at the greatest feasible distance. As commissioner Kowalowski already stated, this is a gravel parking lot, so distance from lake is insignificant re wetlands protection value

Motion: JK: I motion to to allow this project to proceed, accepting plan as presented, DG 2nd,

Discussion:

DG: any mitigation proposed: Chris: there were some boat access concerns, lake access will no longer be there; DB boat ramp gravel will be removed?? Chris: we are happy to address these concerns, the boat ramp will no longer exist; all issues eliminate; SS: the ramp will still be there for us to walk into the water, but no boats going in and out , we do have dock with 2 rubber tires, it goes in in the spring and out in the fall; DB there was migration of stone into lake... SS yes, we rake this every year... DG what happens with the garage LJ old garage will be removed; new building will be attached There will be planting where the old garage is.

DB when there is a violation of the buffer zone, we always ask for environmental compensation? Myrhum: this is a difficult site to find compensation : DB: you are creating 200% more impervious surface as result of new building.. Myrhum: ground water infiltration will be provided by the drip curtains on either side of the buildings... will direct that water to the gravel

Vote taken: 3:1 against, JKowalski in favor.

Motion to close the Public Hearing. 2nd DB

Enforcement: 29 Main Street, Brian Eisold. Restoration proposal for wetland violation.

Glenn Krevosky EBT Environmental Consultants

I have presented some remediation options that could address issues presented Mr Eisold; We are asking for a second visit for the Commission to review the mode of fill

Will present a restoration plan to pull the boulders out of the wetland, repair the tire ruts in the BVW, pull back the slope to a 2:1 slope, create a grass swale at the top of slope, and place a fence or boulders to define a usable area at the top. There is ash fill in wetland, an ash dump; We're proposing to do trench where orig wetland line, and bring slope back up off the wetland... We will remove older fill out, we'll do plantings; common winter berry and arrowwood ; Will address colloids with grass swale at top of slope

EG: what is change of toe of slope? Can you give me square footage? GK I'd rather show you, which is why we request a second visit; I'd need LJ (engineer) to measure; rather not speculate

Request for a 2nd site visit by the Commission for them to review the Commission's decision on the enforcement; Commission will meet on site Tuesday morning, June 9th, 9:00am

Letter Permits

146 Lake Road, John Argitis. Installation of a dry-laid stone wall along the property line.

Agents Comments: Location is approx. 1.5ft inside the actual property line; length is 51ft; height under 4ft; width under 3ft; all work will be done by hand; no excavation work is needed, no removal of any vegetation. Distance to the water's edge is 3ft.

DB: we are concerned about the 3 foot distance from the end of the rockwall to the water; can you describe that area for us? What is the distance to the steps?

JA: there is no retaining wall..... the steps are on the north side of the property; the wall ends before the top of the steps; the stairs are fully available (for use) ; the end of the wall is Not on the slope into the water

DG: Are you going up to the trees (big oak and hemlocks): JA: the wall will go up to it, but nothing happening to trees- no trees touched except maybe a few low branch trims

Motion to accept plan as proposed; 2n: DB, AIF

Correspondence

Sturbridge Board of Health re Moran at 45 Seneca

Conservation Commission has received a letter from the Sturbridge Board of Health regarding property at 45 Seneca Lane, owned by Mr. Craig Moran, requesting removal of all trees and vegetation on the property that are shading the house. After multiple site visits, the ConComm has issued a Tree Removal Permit to Mr. Moran for the removal of 9 trees. Mr Moran indicated that he was agreeable to this solution. Glenn C will reply to the Board of Health detailing the actions of the ConComm.

Notification from Aquatic Control Technology re annual treatment of Walker Pond, schedule for Wed June 10th; and also for Cedar Lake scheduled June 4 but postponed because of rain,

GC: An OOC for signatures from 2011- the original OOC was lost; We have drafted a new copy, which needs signatures; this concerns regarding 453 Main Street Sturbridge, the old (yellow) Sturbridge Coffee House, regarding landscaping.

DB: confirming the original extension ends in 2016; Orig 7/22/2011 GC: yes; This is only because they have lost the original OOC

GC: Certificate of Completion for DEP 300-129 issued 1987; 57 Bennetts Road - pulled from paper archives; partial certificate has been issued, final requirement was just stabilization; erosion controls; I went back; area is well stabilized and naturalized nicely, work done according to plan, for signatures;

Old Business:

- DB: -/- 2 months ago we had heard that the Board of Health was considering a change in the 25-50 ft buffer zone change regarding septic systems....What is the status of that conversation?; Can we ask BoH where this stands? We don't want conflict in regulations among boards.. GC Yes, we will follow up
- DB: Letter to the Editor Tim Kane regarding turtles on Twin Pond Beaver Dam on Cooper Road; regarding high number dead turtles: DB will try to reach Turtle Rescue League to see what can be done.

8:40 pm Motion to Adjourn; 2nd: DG, AIF

Next Meeting: Thursday, June 18, 2015 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

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.