

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, May 21, 2015
Sturbridge Center Office Building, 2nd Floor**

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

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

Others Present: Glenn Colburn (CG), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Leonard Jalbert, Andre Cormier, Frederick Shea, Richard Ellis, Ed Hood, Craig Moran, Mike Towill

Committee Updates:

- **CPA (EG): --14:48** continued to work on Plimpton; towards getting revenue straightened out; bouncing up and down; funds are solidified; it's on the ballot; we're ready for Meeting on June 3
- **Trail Committee (DB): --** Meeting has been rescheduled to Saturday morning at Shattuck Road kiosk for site visit at the picnic site: Work well underway for the Frost Town Picnic, being held on Sat June 13th at Camp Robinson. Committee to prep the site Saturday, May 23; Participants will include Opacum LT and The Bird Store & More. Publicity will start soon.
- **Lakes Advisory Committee (DG):** No update. DG has not gotten to the meetings. We hope to start our brochure soon.

Approval of Minutes: March 19, 2015: Motion: DB: 2nd: EG; vote (4-0; 1 CM abstain)
April 16, 2015: Motion: DB: 2nd: EG; vote AIF
May 7, 2015: Motion: DB: 2nd: JK; vote (3-0; 2 DG, EG abstain)

Walk Ins:

Craig Moran (CMoran), 45 Seneca Lane, has submitted a Tree Removal Application, and is requesting emergency consideration regarding the removal of several trees on his property on Cedar Lake. Mr. Moran started having serious breathing problems in mid-winter 2015; and has had several subsequent emergency room visits over several weeks; his condition worsened. At his doctor's suggestion, he called in a Mold Remediation expert to assess his property to identify a possible cause. A serious mold condition was identified: An average mold spore count is 1,000 parts/million; Mr. Moran's bedroom read at 29,800 ppm. Mr. Moran was advised to vacate the property immediately.

With his insurance company involved, Mr. Moran began removing saturated drywall and timbers, having periodic mold testing as he progressed. His house has now been stripped down to the studs, and all living space has been tested at a safe level, but the attic remains contaminated. Roof stripped of all shingles and plywood, and re-constructed with new materials, including an ice&water shield. EG: are you going to be leveling the structure? CMoran: No.

The Mold Remediation expert has said that the sun is not getting sufficient amount of sunlight to properly keep the moisture level down. EG: I went to the property; it seems the largest amount of shade is from your neighbors' trees.... CMoran: yes, some of it, and I have spoken with him; he is very interested in helping me, but I need to address my own property first.... DB: We suggest that you mark the trees you want to be removed, and we will visit the property again... The pines you have are keeping you shaded even throughout the winter. CM: your neighbor has a large oak; we'd hope you are not looking at that tree... EG: you have some trees that are almost dead already from the shade, and those 4 or 5 large pines that are significant size... DB: you can speak to an arborist.. CMoran: no, I'll speak to an arborist when I am considering re-planting... Right now,

I need to act as quickly as possible, as I am living in the Host Hotel. EG: Glenn will do visit and help you flag the trees you think need to be removed... CMoran: I don't want to wait until the next meeting? EG: No, we'll act on this right away.

Conclusion: The commission approved the removal of trees necessary to diminish the shade on Mr. Moran's house, pending site visits and consensus on which trees to remove. The agent will go to the site and mark trees with Mr. Moran, and will suggest new plantings if deemed appropriate.

Richard Ellis (RE), 30 Camp Road, (Long Pond) has submitted a Letter Permit: requesting permission to build an enclosed porch in a buffer zone.

This is an existing house within existing deck, and we would like to enclose the deck to create a 3-season (unheated) room. There will be no digging involved. There is no change to the existing footprint. The work is 183 ft away from the water. I have been to the ZBA and have been approved. We are planning to move to this property at the end of June. EG: I have been to the site; you need to clean up that dumpster- we don't want it to be leaking... RE: yes yes, this is my 3rd dumpster... we've bought a money-pit! And it will be taken care of.

Consensus to approve.

Public Hearings

7:00 Notice of Intent (local bylaw), Tenn. Gas Pipeline maintenance & repairs in various locations.

TN Gas has determined the need for repairs in 3 wetland locations in Sturbridge, and is seeking approval to proceed.

Mike Towhill (MT) representing TN Gas, is seeking to expedite approval of pipeline repair work along the pipeline in a wetland area. Questions came from commission regarding the actual process: MT: process begins with 20 x 20ft trench (at approx. 6-10 feet) at the identified spot, and can be enlarged to maximum of 100ft long to isolate the actual repair site. Each site usually consists of 1 day's work; the pipes are actually a pair of pipes, side by side, each 30inch; these repairs are not leaks; "anomalies" are usually a wearing of the pipe coating, from normal aging process; JK: How is work done in the wetland? MT: these sites are not in streams; water is ground water; we use silt barriers, swamp mats, mud pump and crib to protect the site; Concern was expressed regarding the regrowth of the area: MT: you can require, and we can process by setting aside topsoil and replacing it at the end of the repairs. EG: do we know what chemicals are being used to repair the coatings on the pipe? MT: No, but I will find out.

Schedule is to begin (entire) project in Springfield next week (week of May 25th); but we can't anticipate exact dates we'll be in Sturbridge;

MT: I'd like to expedite this process by using a Letter Permit instead of an OOC. DB: yes, but we want and need the teeth of an OOC; we want the ability to visit the site. GC: We can do some of the same safeguards in a letter; it would become an agreement; there are no permanent impacts. I don't see the advantage of an OOC in this instance.

Motion: To issue an OOC under the local wetland bylaw for pipeline maintenance in various locations. This project is exempt from filing under MA wetland Regulations. (310 CMR 10.02): JK 2nd; AIF.

7:15 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.

Agent comments: Site visit was done; I have concerns: the wetland line was not flagged correctly; site will need replication. EG: Art Allen commented on site, saying that the wetland replication protocols stated on the printed plan were accredited to him, and these comments were from another property.... And that he (AA) did not approve the use of this information for this project. **Continued to June 4th meeting**

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. (Continued from 5.7 meeting)

Documents submitted: Revised site plan

Leonard Jalbert LJ: (representing owner Frederick Shea):

We are submitting a new plan based on your concerns from our last meeting; we have moved the house back so that nothing is within the 25ft buffer zone; all is within the 25-50' zone; by doing this we have decrease our impact in the 50ft buffer zone by 26%, and by 100% within the 25ft buffer zone. There were 2 trees originally planned to be removed; we have changed our plans and will keep both of these trees.

Can't move the garage back any further because it must stay out of the side setbacks and away from the power lines. Garage move is to enable Mr. Shea easy access to his garage.

DB: you could go to the 50' setback if you reduce the size of the house... and remove the bump out in the house footprint; if this is new construction, you should be able to conform to our bylaws AC (builder): by moving this house further back, Mr. Shea will lose significant view of the lake, and therefore diminish his appraisal value FS: You all know that people who have built on the lake and put their houses back the required 50' have put in lawns and use lawn fertilizers that are no good for the lake..... it makes the requirement counter-productive...

Commission: it is new construction; move the house back to the required (setback)

LJ: Request a continuance to your next meeting (June 4th); time t/b/d

7:45 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 6/18/15) Granted.

Letter Permits

146 Lake Road, John Argitis. Mr. Argitis was not present.

Agent Comments: This project is an installation of a dry-laid stone wall along the property line. 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.

CM: this wall is 51' ; why do we mandate that fences must be raised 6" but we allow these walls? EG: the site is very irregular, vertical, with fieldstone everywhere... I feel strongly there's no issue here... GC: we are allowing animal passage by leaving 3' to the water... I look at a stonewall as habitat... DB: I'd like to visit the site

Conclusion: to continue to the next meeting on June 4, 2015 to allow commissioners to visit the site.

18 Goodrich Rd, Jason Sauvageau. Path to access water. Clear beach area.

Agent Comments: Applicant would like to repair an old path to the water and a section of shoreline for a beach. I am starting this as a Letter Permit for the path because it sounds like it just needs some repairs. If this gets too involved they may need a NOI. The land belongs to Fish & Wildlife. Mr. Sauvageau is currently doing research with Fish & Wildlife.

Conclusion: to continue to the next meeting on June 4, 2015.

Request for Certificate of Compliance

- 300-909, 57 Bennetts Road, A. Garelo; Certificate of Compliance was approved and signed.
- 300-900, 67 Beach Avenue, J. Neergheen; Certificate of Compliance was approved and signed.

Correspondence

- National Grid re - is preparing to start work on their re-conducting project (W175 project).
- Tom Chamberland re May work weekend

Discussion of Meeting Times and Dates:

- It was discussed and decided that the Conservation Commission would have only 1 meeting in the months of July and August, July 16th, and August 13th.
- It was discussed and decided that meetings would remain with a 6:00pm START time even after the special projects (ByLaws and CRs) of the Commission were finished.

8:35 pm Motion to Adjourn; 2nd: DB, AIF

Next Meeting: Thursday, June 4th, 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.