

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

Thursday, September 17, 2015 – approved 10/15/15
Sturbridge Center Office Building, 2nd Floor

Meeting Called to Order: 6:00 pm
Quorum Check: Confirmed
Members Present: David Barnicle (DB), Acting Chair **Members Absent:** Ed Goodwin, Chairman
Donna M. Grehl (DG)
Calvin Montigny (CM)
Joseph Kowalski (JK)

Others Present: Glenn Colburn (CG), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Peter Mimeault, Scott Morrison, Chris McClure, Joe Coan,
Anthony Masi, Bonnie Palatino, Gerry Paquin

Committee Updates:

- **CPA – (DB)** This committee has not met since the last meeting.
- **Trails Committee – (DB)** The committee has a work day scheduled for this upcoming Saturday at Camp Robinson Crusoe; they will also be coming before the SCC at October 1 meeting to discuss long range plans for new trails at Leadmine Mountain.
- **Lakes Advisory Committee – (DG)** This committee has not met since the last meeting.

New business

- **Cougar Car Club** has an annual National event on the property at the Host Hotel. They are a Classic Car Club; their cars are spotless; we've never had a problem with them in the past; they are requesting again this year to be able to park their cars on the grass.... The event is October 8 thru 11 (Thursday thru Sunday) Columbus Day weekend). **Consensus to Approve;** GlennC will write a letter of permission to the Club.
- **NE Power Co; W175 Line, McKinstry Brook crossing** DEP#300-0902 NEP has had Mass Wildlife in there because it is a cold water fishery- wild brook trout habitat - They are beginning the work to remove the old (inactive) degraded beaver dam; They will bridge that stream instead of driving through; this work is part of the OOC we issued #300-902; at time of OOC there were questions about beaver dam; now that MF&W has approved, they are proceeding ; (there were 2 beaver dams- this is the lower smaller one and is inactive)
- **NE Power Co; W175 Line, Glendale Road Access** DEP#300-0902 (Memorandum from Nat'l Grid distributed to Commission included detailed work plans and maps) NEP will be using the MA Fish & Wildlife access road to access structure #135 & #136 on the W175 Line. Work will begin during the week of Sept 21. Pole replacement work will be completed within 2 weeks; They'll access on existing cart road, they'll will clean out older blowdowns; They will just be getting their equipment in and out once... They'll be using straw wattles, putting down a swamp matt in one or two spots; they'll go back in during the winter and restrng their cables. **DB:** There's a private home right at that access point; I often see that they park their cars right at this access point (Glendale Road access) They should be notified.
- **Cedar Lake draw down.** Cedar Lake is requesting to begin their drawdown beginning Oct 17th this year.
- **Big Alum draw down.** Big Alum has requested drawdown to begin October 15th

Commission Comments: DB we need to think about this for next year; we have discussed and agreed several times about the drawdown date being November 1st. GC: Natural Heritage does suggest November 1st as the date because there are wildlife concerns; but changing the timing occasionally shouldn't be a significant problem; it seems the concern is about the later date being colder weather for the homeowners to be working; As usual, residents planning any major work should be contacting the Conservation Department to assess the extent of the work and get permits as appropriate.

Public Hearings:

6:15 Request for Determination of Applicability, 76 South Shore Drive, Peter Mimeault, lakebed restoration project, South Pond. Peter Mimeault, present.

Mr. Mimeault distributed several photos of shoreline: the Commission has visited this site accompanied by P Mimeault.

PM: Summary - I am looking to remove approximately 15 cu feet of sand that has accumulated in my lakefront, which has accumulated as a result of man-made problems at the road, and not as the natural process of the lake.

Mr. Mimeault presented significant data and photos, including a report indicating historical high and low water marks, comparing his levels with previous norms. Mr Mimeault sites the events of April 2012 as the major contributor to these changes, when a problem was occurring at the culvert in the road, processes to correct it were mishandled; overflowing water was channeled +/- 50 feet out into the lake, and the resulting (sediment) dispersed in an unnatural pattern at the end of this channel ... Mr Mimeault has both water measurements and time-stamped photos of that specific time period of approx. 21 days illustrating an "observable and measurable" change in the lakebed.

In summary, I request approval to proceed with one of these conditions 1) With condition that no work shall begin until the abutter is granted permission on a repair, restoration or dredging project to stop this from reoccurring (this allows my project to be a minor project on an RDA) OR 2) Requiring a wetland specialist monitoring and reporting to the Commission

AGENT: I do not see this as a restoration: You are removing silt from the lake; don't see plantings to establish habitat, focus seems to be access to water instead; To truly restore this, we need to look upstream; I believe the majority of what you see is from the road; it is gravely, not fine sand; I don't see your proposed project as damaging the lake, but it does not meet the criteria of a restoration. I see the goal being a joint effort with your neighbor Mr Allard to address the condition of the poor storm water management at the road to avoid repetition of the problem.

PM: this property has always had 55ft of frontage on this lake, and as a residential property on a lake, we have recreational rights, which is why we are taxed at a 3% higher rate; as such, I see plantings etc as unnecessary- It hasn't had vegetation, and I've lost the depth of the water necessary to use my boat

I could do an NOI for resource improvement, but DEP said I can do it simply thru an RDA under the local jurisdiction of the Sturbridge CC. Other options under the NOI are costly, and, per my conversation with the DEP, unnecessary

Comments by Commissioners:

JK: I like what he said; I think we should allow him to proceed

CM: the unimproved roads in this area are a real problem... I also don't think it will be damaging to the lake, but I do fear it will be a repeating issue, and that we should not allow it more than this one event

DG: I agree it does not fit as a restoration project; that particular cove has been degrading over last 7-8 years by recreation activity. I lean towards allowing this to proceed, but again as a one-time process

Agent GC: The situation we face here while choosing the best permitting process is affected by the permit cost, but more important to us the oversight authority that the NOI process would afford the Commission....

If we give a negative determination to the RDA, it is in essence saying that the work does not impact the resource area, and we then lose enforcement clout, allowing you to proceed unsupervised... An Order of Conditions allows the Commission to specify many details of how this project proceeds.

PM: which is why I offer the involvement of EcoTec to supervise and monitor.

CM: if he is removing material and getting back to the organic layer, that is an improvement; so we don't classify as a restoration

DB: I have not changed my position; I consider this as dredging; However, your presentation was very good, and we understand your intent is to restore to a previous condition - but what we are considering doing, with the absence of an OOC, is very unusual...

Motion DB to close the Public Hearing; 2nd DG; Discussion: none Vote AIF 4:0

Motion DG: to issue negative determination #2 for work in a resource area that will not impact the resource area. Mr Mimeault will bring EcoTec on board as a consultant to monitor and advise Mr. Mimeault, with a request for work to be performed as quickly as possible. Mr Mimeault is to bring a detailed plan before the Commission before proceeding.

2nd: JK Vote: AIF 4:0

6:30 Notice of Intent DEP #300-tbd, 66 Mt Dan Road. Jeff Buchanan; Drainage and landscape improvements in the buffer zone. Continuation from Sept 2 meeting; Scott Morrison(SM) (EcoTec) Joe Coan (McClure Engineering) , and Chris McClure (McClure Engineering) present:

SM: We have made significant changes to our previous planting plans to address the concerns expressed at our last meeting: We have deleted the planned 3 season porch; simple deck instead, decking with 10penny gaps, crushed stone beneath; proposed deck has been eliminated and replaced with small stone entranceway; we eliminated the large patio, and are creating a small sitting area; The Commission was concerned with impact to the waterfront; we have brought our portion to 6 % of waterfront; DB: are you leaving the rubber mats? SM: we're removing rubber matt, replacing with nice stone; our goal is to naturalize a much as possible; we previously proposed planting a wildflower mix; we have changed that plan and instead are planting 4 trees; we expanded the plantings near deck; DG: native plants? CMcClure: Yes; our plan shows specific types and numbers of plants being used.all native: winterberry, high bush blueberry, witch-hazel, dogwood shrub, etc; mostly understory plants; extensive planting; DG: So you'll have a stone area off deck, steps are all pervious; patio by front? CMcClure: just a sitting area - natural bluestone; we'll be cleaning up where currently is construction debris; no impact to trees onshore GC: I think they did a great job of addressing all of our concerns.... DG: You need to be aware of how hard the rain runs down when heavy rain like last week- and sand and salt from road - How will you address this type of runoff? CMcClure: stormwater in that specific rain that day was exactly as we had tested and anticipated; there will be no add'l after this is implemented... CalvinM; a dispersion strip along driveway? SM: we've extended the landscaping further along that area, we think it will slow the velocity; DB: there is a serious amount of weep from the hill above that area- we think you have to consider ground water- SM: the water runs to the swale away from garage and down to low point here; and sheet flows along the lawn... We'll add stone / riprap - 6 inches; to slow velocity; there is not much asphalt being proposed.... DB: these are substantial improvements since last meeting;

Motion DG: to approve the revised plan for work at 66 Mt Dan Rd as presented; 2nd JK, Vote: AIF (4:0)

Enforcement:

- **Outdoor World. Dumping of sand into the lake.** Anthony Masi, Mgr, and Bonnie Palatino, Asst Mgr: Summary: private camper dumped sand at the shoreline to create a beach. Work is in the resource area, land underwater, bank, and at buffer zone. Repairs are already under way; GC: my on site visit, erosion has gotten under wattles; some erosion has taken place ; your proposal said you would be raking sand onto shore to scoop, but we feel you should be hand shoveling that area -....We want to be clear you can use bucket to load truck up on the shore, but you need to hand shovel in the water; I don't think raking will work; - It should be done right away because of window of dry weather; that will avoid need for encircling the whole area; fix gaps in wattles right away; then leave lower row of wattles until grass starts greening up ; I don't believe any damage has been done, but it needs to be addressed right away. Glenn will visit the site on Monday
- **45 Seneca Ln, Craig Moran. Restoration/replanting plan. (continued)** GC has heard from Mr. Moran. He has some personal problems and will not be able to address our request for a replanting plan at this time - we am not issuing any Enforcement Orders...
- **30 Camp Road:** GC: I have 2 Enforcement Orders for signatures on this property; 1 is going to the property owner, Richard Ellis, and 1 to the contractor: "immediately take steps to stabilize the slope and prevent erosion and silt from entering the wetland resource area or the flowage rights ; erosion controls sufficient to handle the volume of water coming from this slope ; erosion controls will include filter fabric hay bales, straw wattles and any other necessary steps. These emergency erosion steps shall be completed no later than Mon Sept 21 DB: should we ask for markings on trees to indicate where flowage area is? GC: no trees in flowage area; but I am asking for flowage to be on the plan; and for a qualified engineer to develop a plan to permanently stabilize the slope; due for approve Oct 7th DB: shall we notify Army Corp? GC: yes, I've spoken to Keith Beecher and will keep him in the loop on this
- **9 Holland Road, Gerry Paquin. Work in the Riverfront Resource Area without permits.** Gerry Paquin present. GC: at our last meeting we discussed a problem with work having been done without permits, leaving the site vulnerable to major erosion problems: I had ordered a Cease & Desist and sent an Enforcement Order advising of the immediate need for erosion controls and a deadline for that action. When I went to visit the site, erosion controls

were not set up; It has been 2 weeks and the site is not being addressed: GP: I had staked 100 bales of hay and thought it was adequate ; but the highway pushes huge amounts of water down that slope; I didn't get back to the site to take care of further erosion controls; I have hired an engineer to bring in plans for the next meeting; GC: I am very concerned that there is no oversight on this project: I am recommending to the Commission that you (through the owner, Mr DiBonaventure) be required to hire someone with the proper skills to supervise this project. GC: On Monday morning, Sept 21, I want a phonecall in my office from a certified engineer; we'll meet on site and discuss what needs to be done immediately to stabilize this site; we are at the end of the growing season- It is urgent to get something planted on this site so that it is not compromised over the winter. Then we expect a plan to be presented at our next meeting, October 1st DB: another issue on this site is your piles of refuse GC: yes, please add "removal of refuse" into your plan so we can put it into the Notice of Intent

- **8 Birch Street, Gerry Paquin. Work in the buffer zone without permits. Demolition plan to be presented to ConCom.** GC: Again, you received an Enforcement Order from this Commission with a deadline; it was a simple plan for removal of this deck; yet we have not received this plan. GP: I have someone on board- we should have a plan for you- do you want a site visit? GC: I don't need to be on site but I do need this addressed; DB: what repercussions should we impose? I recommend daily fining if this is not resolved next week.
- **29 Main Street** - no plan because Jalbert is drowning in work; we've been assured there will be a plan for our next meeting on Oct 1

Letter Permits:

- 94 Paradise Lane, Alan Peppel. 2 trees; these trees are clearly dead; DB: discussion should be about what we'll do about it: CM this was totally preventable; not a natural process; my opinion is to require a 2:1 replacement should be done- I think 4 deciduous; 2-2.5 DBH JK: I don't know if room for 4 tree -- There's so much landscaping ... Maybe 2 larger, 2 understory size DB we can make recommendation and let them come back to us with alternative DG: I agree with 2:1 replacement CM: landscaping is beautiful now, but these trees were healthy and large- too bad... Permission was granted to remove 2 trees and replant 2:1

Signatures: 21605

Order of Condition for 146 Lane Eight - Fazen/Eckert DEP #300-931
 Order of Condition for 453 Main Street - Amendment to valid OOC / changed landscaping : DEP #300-846
 Certificate of Compliance for 214 Charlton Road, David Sweetman; DEP #300-895
 Certificate of Compliance for 36 Mt Dan, Stagias DEP #300-873

Meeting Adjourned: 8:22 pm Motion: DG, 2ndDB: Vote: AIF 4:0

Next Meeting: Thursday, October 1, 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

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.