

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, October 1, 2015  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

**Meeting Called to Order:** 6:10 pm  
**Quorum Check:** Confirmed  
**Members Present:** Ed Goodwin (EG), Chairman                    **Members Absent:** None  
David Barnicle (DB), Vice Chair  
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: Lenny Jalbert, Lynne Girouard, Gary Staab, Brandon Goodwin, Jacob Murray, Gerry Paquin, Erik Evensen, Phil Truesdell, Liz Newlands

- Committee Updates:**
- **CPA – (EG)** no meeting was held.
  - **Trails Committee – (DB)** no meeting was held.
  - **Lakes Advisory Committee – (DG)** no meeting was held.

**Approval of Minutes:** September 3, 2015, with amendments, Motion DB: 2nd CM: Vote: AIF

**Public Hearings**

**6:15 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) Waterfield Design is presenting

Jacob Murray, presenting plans for the recreation fields;

This project has been continued for about a year, so this is a review and preliminary presentation of fields designs;

Natural Heritage (NH) has taken the Turtle Survey, and found the turtle habitat is not significantly impacted, but there will be a Turtle Protection Plan required for this project; No comments have been received from NH of their concerns regarding the planned blasting and the control of the resulting “particles”. Because there is no blasting contractor yet, their “conditions” cannot be written.

The Planning Board and the DPW have approved these plans; Planning requested addition of a trench around the Basketball courts to send drainage to underground storage, as well as perimeter fencing.

- Parking will be on the existing gravel road; about 99 spaces; No fences along the parking lot
- Fences are vinyl covered chain link
- There will be one small concession stand to be built on the property
- Distance from the wetland area to the closest field work area is 25ft,
- Distance to perimeter fence is 50ft

Ground level of the fencing was discussed. The Commission explained the need for a 4-6 inch clearance for turtle and other wildlife movement through the area; JMurray discussed several individual “fence’ locations and the “conflict” between the conservation efforts and the functionality of a particular fence (ie, preventing young athletes from chasing balls into the wetlands) The commission conceded that as a ball field, there is a “usability” issue, and asked that all possible options for a more “wildlife friendly” fencing be considered. GColburn asked that Natural Heritage specifically comment on fencing in their report; JMurray agreed to request that of NH. Waterfield will review all fence locations and reconsider which areas could incorporate gaps both at ground level and in the horizontal run of the fence.

Field maintenance was discussed, with concern about fertilizers, and pesticides; again, some conflict about normal ConsComm policies and the usability for the planned use of this area; JMurray will double check Operational and Maintenance Plan to review specifics, but all agreed to explore and consider the most eco-friendly products for these fields.

Site Visit: The commission agreed another site visit would be advantageous because of time-lapse since last visit; all concurred that the area was already in a "damaged" state because of previous use, as well as the 2011 tornado hit. JMurray will accompany the Commission to assist in visualization of planned layout. Site visit is scheduled for Wednesday October 14, 2015, 9:00 am.

**Continuation granted to October 15 while waiting for NH comments.**

**6:30 Notice of Intent DEP# 934; 16-18 Cedar Lake Drive; Erik & Tanya Evensen;**

Re-build a house that burned down about 2 years ago. A very small, tight lot to work on.

Documentation: site plan presented

Len Jalbert, Jalbert Engineering presented, EEvensen also present

LJ: 2 years ago, the home on this site burned down. At the time of that event, there was an existing OOC for DEP# 300-728 for home remodeling; This older OOC has expired. Work was never started on the project at that time. There is a need to close this open OOC to remove the lien from the property. GC: we have a Certificate of Compliance here in hand for signatures tonight. LJ: This plan we are presenting tonight has been reviewed by both Planning and Building depts.; a new OOC must be issued before November 23, 2015 or the "grandfather clause" will expire on the property.

We are proposing a new SFH on the exact footprint of the pre-existing home; there is an existing town sewer hookup available; there is an existing artesian well, shared by 2 parties; the driveway is staying as it exists; the shed is staying as it is. Several tree stumps remain from burned trees removed previously; we plan to cut clean and leave the stumps

Commission expressed preference for grinding those stumps, and discussion was had about tree replacement, and restoring some vegetative canopy. It was agreed that planting of 5 trees would be require, with some at the shoreline, at 2 to 2-1/2" caliper.

LJ reviewed the lot and building sizes to confirm that no more than 4% lot coverage was planned, indication no change from previously.

**Motion (DB): to close the public hearing for DEP# 300-934, 2nd: CM; Vote: AIF (5-0)**

**Motion (DB): to approve the Notice of Intent as presented, and issue an OOC , including the grinding of existing tree stumps, and the replanting of 5 trees at 2 to 2-1/2 inch caliper in a suitable location for their survival, some to be planted along the shoreline.**

**2nd: DG Vote: AIF (5-0)**

## **NEW BUSINESS**

### **Security Issues on Leadmine Mountain.**

GColburn shared concerns about apparent security breaches on town trails properties.

- Padlocks have been cut at Shattuck Road, at the gated entrance to the Robinson Crusoe property
- Trees (more than 100 small trees) have been cut on Leadmine Mountain, seemingly as an effort to widen the trail;
- Rocks have been dug out and stolen from the Leadmine site; fresh tire tracks were found, indicating that someone had keys to the locked gate
- Renegade trails have been identified in the Leadmine property.

Brandon Goodwin and Gary Staab, who attended the meeting to discuss future trails work, offered that they knew of no activities, and knew of no plans for cutting activities in the affected areas. They will speak to other Trails Committee members to research. It was discussed that if no Trails people are involved, the police will be notified.

### **Trail Committee requesting three new trails on Leadmine Mountain.** Brandon Goodwin and Gary Staab;

The Trails Committee has submitted a document entitled "Leadmine Mt trail plan/consideration/history/recommendations".

In it, the Committee has outlined recommendation for a series of new trails on Leadmine Mountain, with a summary of proposed new trails, their locations and specifications. Trail work is proposed as a multi-year plan.

Summary: Discussion was had regarding the number of trails and the diversity - both current and future goals - of trail design and specifications. It was expressed that we currently have a good number of Trek-style trails, and that we need to keep in mind the proportion of types and numbers of trails, as well as their proximity to each other to keep the public experience of hiking a pleasant one. The areas south of the pipeline were discussed in great detail, and the general consensus was that this area of properties might be better served with smaller and more primitive trails. It was suggested that for future discussions, the term "sustainable trail" should be defined to insure a common understanding going forward with these discussions. It was

agreed we are all seeking a middle position balancing the interest of hikers and conservation concerns of overgrowth of the trails system.

Phil Truesdell and Liz Newlands of Mass Wildlife joined in this discussion, as MassDFW is the holder of the conservation restriction on Leadmine. They had walked the Leadmine 7 Ridges Trail with Glenn earlier in the week. They stated that they have been advocating for some time that areas south of the pipeline remain less developed with smaller trails (ST3)

Signage throughout the trail system was discussed; the Trails Committee hears public feedback expressing concern about the primitive state of some trails and the lack of signage in some areas. The public sometimes has uninformed expectations about the varying levels of trail design. It may be helpful to increase signage in some areas: examples: ***"This trail is rated ST-3, indicating a narrow and primitive trail", or "You are leaving the marked trail system; Proceed at your own risk"***

BG & GS shared that they have been in contact with mountain biking groups to begin building partnership relationship; this may help issues like renegade trail building

GColburn and the Commission discussed concerns with some of the specific new trails proposed; BG & GS agreed to take concerns back to the full Committee and Tom Chamberlain for consideration. The commission welcomed further discussion, and better more regular communication between Conservation and Trails.

**Mass Fish & Game offer to revise FSP and FCP for Leadmine Mountain Cons Area. PTruesdell to contact GC when ready to be placed on agenda.**

#### **Enforcement:**

- **29 Main Street, Brian Eisold.** EBT Environmental to present restoration plan. This plan was not ready; EBT will present at October 15 meeting
- **8 Birch Street, Gerry Paquin.** Work in the buffer zone without permits. Demolition plan. This plan was not ready yet; it will be ready and presented at October 15th Meeting. Commission is upset that this plan is not readied; discussion at the Sept 17 meeting had resulted in agreement to fine GP on a daily basis; this has not been done; Agent countered that no further damage is being done to the resource area, and Mr. Paquin is heavily involved in a much larger and more important issue at 9 Holland Road. GC feels we should just continue the conversation at the next meeting. DB on record as disagreeing with lack of enforcement action.
- **9 Holland Road, Gerry Paquin.** Work in the Riverfront Resource Area without permits. Document: Stabilization plan prepared by Bertin Engineering was presented by GP. GC had reviewed the plan: All commissioners viewed the plan. GC comments: This is a good plan- focused only on immediate stabilization of the site. More work needs to be done; 2 catch basins need to be protected, there is a broken town sewer drain pipe that needs to be addressed ; GP: water is being redirected by hay bales; avoids direct flow into the river, we have spread winter rye in some areas, need to do more planting ... a second plan to address the cleanup of the site is underway for the debris piles and broken pipe. GColburn will continue to keep an eye on this with frequent visits.
- **19 Mashapaug Road, Outdoor World Campground.** GColburn has visited the site: They have removed sand as requested; GC asked them to remove a little bit more sand: erosion controls are remaining in place. GColburn will continue to monitor the property.
- **30 Camp Road – Richard Ellis – Work in BZ** GC: visited this site after the recent heavy rain... erosion controls worked well, but they were all filled with silt; Spoils piles have been moved behind the house, away from the direct runoff from the driveway ; REllis has seen Jalbert Engineering and will have a restoration plan at the next meeting; REllis was advised to remove the accumulated silt to restore the capacity of the erosion controls. Will continue monitoring this property.
- **45 Seneca Ln, Craig Moran.** Restoration/replanting plan. Mr. Moran has needed to delay his preparation of a re-planting plan due to personal problems. - The commission

expressed frustration at the delay in this project, and at the lack of more serious enforcement actions. The agent was instructed to contact Mr. Moran by phone, to follow up with a letter to Mr. Moran, and to notify the commission in writing about the results of the conversation. Specifically, when can the commission expect to see a planting plan, and the status of the requested seeding of the disturbed areas.

**Letter Permits:**

**49 Bennetts Road, Dan Fratino. Tree removal, 3 trees.** Mr Fratino could not make this meeting;  
**Commission granted continuance to Oct 15 meeting.**

**Signatures: Orders of Conditions:**

DEP #300- 929      Order of Conditions, 70 Paradise, Reardon  
DEP #300-933      Order of Conditions, 66 Mt. Dan, Buchanan

**Signatures: Certificates of Compliance:**

Certificate of Compliance, 166 Podunk Road; Hillman  
DEP #300-305      Cert of Compliance, 208 Charlton Road; Galonek  
DEP #300-471      Cert of Compliance (Partial) , 28 Audubon Way, #; (preserve subdivision)  
DEP #300-728      Cert of Compliance, 16-18 Cedar Lake, Evensen; (2007 foundation)

**Other Signatures**

Signature Authority for Anne Renaud-Jones, clerk – Signed.

Determination – 76 South Shore Drive - Peter Mimeault:

This determination was heard and voted upon at the September 17 ConComm meeting. The finding included special conditions to be applied to the work under discussion. Agent GColburn composed a detailed letter stating these special conditions, and sent it to the commission for review. Upon their review, it became clear that there was confusion and disagreement among the commissioners regarding the outcome of the public hearing. Some felt the motion stated did not accurately express their intent, while others felt they clearly understood and agreed with the motion as it was recorded. Discussion ensued clarifying the discrepancy, with a poll to confirm the outcome of the vote as recorded on Sept 17. The Determination was signed.

**Motion (CM) to Adjourn the Public Meeting: 2<sup>nd</sup>: DB Vote: AIF 5:0**  
**Meeting Adjourned: 9:15 pm**

**Next Meeting:** Thursday, October 15, 2015 at 6:00 pm

*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.*