

**TOWN OF STURBRIDGE, MA
CONSERVATION COMMISSION**

**Thursday, October 15, 2015
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 6:10 pm

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG), Chairman
David Barnicle (DB), Vice Chair
Calvin Montigny (CM)

Members Absent: Joseph Kowalski

Others Present: Glenn Colburn (CG), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Ron Chernisky, Steven Chidester, Michael Smyth, Brian Oxmar, Tom Faxon, Lori Faxon, Lynne Giruard, Brandon Goodwin, David Peterkin, Gary Staab, Matt Mackin, Kevin Phillips, Tom Chamberland

Committee Updates:

- **CPA – (EG)** Penny Dumas received the Kuehn Community Preservation Award, and was honored at the State House, at the CPA's 15th Anniversary Celebration. No other major agenda items to report;
- **Trails Committee – (DB)** There is an upcoming workday on Saturday, Oct 17th.

Approval of minutes for September 17, 2015

Motion (DB): To accept the minutes of Sept 17 with requested correction of one sentence

2nd: CM Vote: AIF 3:0

Walk-ins

Ron Cherniski, Robinson Tree, for Dan Bergman, 6 Stonybrook Drive; large oak tree +/- 80 ft; fell across brook into yard, rootball is exposed and grazed a second tree which lost branches and has bark damage; tree is now leaning ; homeowners see this as danger and want to remove debris and only the portion of the tree that is in their yard; and would like to remove leaning tree; they want the brook affected as little as possible; Commissioners' comments: no net loss to canopy due to two younger trees nearby that will grow.... We will not allow removal of tree roots; there seems to be no room for replacement due to ledge and small area

Consensus to issue a Letter Permit for removal of 2 trees.

Public Hearings

6:15 Notice of Intent DEP #300-935, 20 Cedar Lake Drive. Repair shoreline wall and landscaping in the buffer zone of Cedar Lake. Brian & Sarah Oxman, Brian Oxman present

Documents: Brian submitted proof of abutter notifications; and provided several photos and drawings of the site: Mr Oxman would like to repair an old existing retaining wall on the shoreline, and repair multiple related areas in his yard. The existing wall is approx. 50 ft long, with several sections which were orig built with concrete, which is now crumbling. He will remove all concrete, and take offsite for disposal. Wall will be replaced with a dry stonewall. Work will take place during drawdown. In the area away from the shore, old rotting pressure treated retaining wall will be removed; the yard will be tiered; with two walls proposed

Agent comments: this is a good plan, a thorough plan; I have no concerns

Commissioner comments: DB: fine, it's a good plan; CM: all is good; EG: by raising up the yard, you may lose some of those trees

BO: I don't want to lose those trees, and my plan is to add loam only as I have to avoid hurting them.

Commissioners cautioned Mr Oxman about protecting the open areas with straw over the duration of the winter until seed will germinate again in the spring

Motion (DB): To close the Public Hearing: 2nd: CM Vote: AIF 3:0

Motion (DB): To approve Notice of Intent DEP #300-935, 20 Cedar Lake Drive for repair of shoreline wall and landscaping, and to issue an Order of Conditions with standard requirements. 2nd: CM Vote: AIF 3:0

6:30 Request for Determination of Applicability, 58 Mt Dan Road, Thomas Faxon; installation of a drilled well
Tom and Lori Faxon present: applicants presented proof of abutter notification; Project summary: House belongs to applicants' mother, recently deceased. The site has always had a shared well with adjoining lot, (owned by Tom). House is going onto the market, and they wish to install a well.

Agent comments: this project seems easy, the plan includes a proper leach pit, I don't see any problems.

Commissioner comments: none

Motion (DB): To close the Public Hearing: 2nd: CM Vote: AIF 3:0

Motion (DB): To approve this project as presented, and issue a Negative Determination #3 for work within a buffer zone. 2nd: CM; Vote: AIF 3:0

6:45 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)

Agent comments: Letter has been received from Natural Heritage, stating two concerns: They are requiring a Wood Turtle Protection Plan to be submitted and approved before work begins, and have specified that blasting activities shall be done in such a way as to protect adjacent wetlands and vernal pools. GlennC has also spoken with Lauren Gloriosso of Natural Heritage regarding the height of fences from the ground. She has stated that "fences to the ground" (throughout the project) are acceptable to them in this project, because the area will be high-traffic.... that this precaution may make disturbance of wood turtles less likely

Commission comments: All recommendations from Natural Heritage should be incorporated into Order of Conditions.

Motion (DB): To close the Public Hearing: 2nd: CM Vote: AIF 3:0

Motion (DB): To approve this project as presented, and issue an Order of Conditions to include all recommendations submitted by Natural Heritage in their letter dated October 13, 2015; 2nd: CM; Vote: AIF 3:0

Letter Permits

28 Goodrich Road, Michael Smyth, Removal of existing 7 x 11ft addition and sono tubes

Mr Smyth was present; he would like to remove a small addition that has 3 sono tubes. He will remove sono tubes by hand, fill holes w gravel, and seed over the top (grass).

Agent comments: it may be difficult to get seed germinated at this point; straw over the winter will protect the spots. **Commission comments:** all agree; request Agent be notified while work being performed to insure erosion controls in place. Please pay attention to possible runoff from the driveway. **Consensus to approve.**

49 Bennetts Road, Dan Fratino. Tree removal, 3 trees. ;

Mr Fratino was present: there are 3 trees here, 1 hemlock and 1 pine tree are going under the foundation and causing cracking; the hemlock is already unhealthy and full of carpenter ants; an additional hemlock is towering over the chimney, which is causing drafting issues with the wood stove. **Agent comments:**

commissioners did visit this site, we agree the 3 trees can be replaced; **Commissioner comments:** there seem to be additional trees here that are in decline and should come down...

Consensus: to issue a Letter Permit for the removal of 3 trees discussed this evening, requiring replacement trees, suggesting red maple or clump birch; In addition, tag additional trees needing removal, and have Agent visit site to approve. No need to come before commission again.

3 Cove Drive, Norman Robida. Tree removal, 4 trees.

Ron Cherniski was present: concern with 4 trees;

discussion about each of 4 trees and their state of health; commissioners had visited site; decision as follows:

1) birch at shoreline with large horizontal branch over the water; **applicant may remove horizontal branch only**

2) maple at shoreline: **this tree will not be removed**

3) maple 20ft from shoreline with large hole; **applicant may remove this tree**

4) maple away from shoreline with electrical box; **applicant may remove this tree**

-- Applicant is asked to replant several trees, suggested 2 red maples and a clump birch to replace canopy

Consensus

120 Leadmine Lane, John Fitzgerald. Bury gas and electric line. Commissioner Calvin Montigny is consulting landscaper on this project, and is currently exploring whether or not a conflict of interest exists. This project discussion was **continued to November 5th meeting.**

Old Business

Trail Committee: long range planning and trail construction on Leadmine Mountain. (continued from October 1):
Tom Chamberland, Gary Staab, Brandon Goodwin and Dave Peterkin present:

BG confirmed that work on 7 Ridges Trail witnessed on October 1st was the work of Northern Tree at the request of the Trails Committee; widening was done due to this having been classified as a TREK Trail : BG wanted to clarify that ConComm had approved this previously, as the trail had been designated as a TREK trail in the Master Plan, which defined all trail standards in 2012....; 7 Ridges had been labeled a Trek trail;

GC: pointed out that the trail didn't exist in 2012; trail only came into existence recently; Robinson Crusoe trail is now only a short connecting trail.... This other trail never showed up on maps....

Trails: 7 Ridges shows up on this map as old Camp Robinson Trail (many trails have been renamed) ; it had been on older maps that previous agent had approved; which showed the original H-design of the trails....

BG – this doc has existed for 1-1/2 years- as a committee, we're looking to finish the trails that we already have, that have been approved by the ConCom..... : most of the trails that are currently marked as TREK trails are not going to be stone dust trails, but they will be wide enough for our ATVs to drive down for maintenance...

TrailsComm wants to finish the backbone trails; then make decisions about where to proceed with ST2s and ST3s, and trails to the Leadmine Pond neighborhood and the Riverlands. Those conversations can be taking place in the future as we progress, and we'll come to ConCom with formal requests

Commissioners comments: There does seem to be some confusion and some miscommunications - We suggest a joint meeting with Trails, Fish&Wildlife, and Conservation; It's important for everyone to be clear with what is being planned, being done, and how work is progressing.... There are many players that have important feedback - **All agree this is a good plan going forward**

GStaab Goal tonight is to clarify what Trails can proceed with on the RED and WHITE trails on Leadmine Mountain.

Red Trail work: we consider this plan as approved by ConComm; We all walked back in July 2013... we submitted a proposal in September; we understood it was all approved to move forward on that piece; Can you confirm this as approved? Or do we need further discussion? GC: more discussion is needed...you need permits to work in the wetlands... there are 2 wetlands there -- The first major crossing is a true wetland - about 50ft wide; then a second spot on Leadmine, turning to south off of red trail onto Leadmine) is just a poor drainage area. GStaab we had all agreed on what needed to be done, we just want to know if we have approval.... GC we had agreed an equalizer pipe would be needed on Leadmine trail to address poor drainage in that one spot; larger crossing was an ongoing conversation about whether a culvert, a bridge, or a boardwalk T CHAMBERLAND - the commission walked this property in July (2013) and reviewed plans submitted by trails, agent agreed to proceed to NOI for triple culvert, laid side by side to spread flow... Since that conversation, we have seen no action taken place to follow up... Based on that approval at that site visit, we applied for and received Betterment funds for purchase of the culverts, etc - Our funding is now sitting unused, and we have had to encumber funds over the fiscal year... It's been over 18 months.... GC my recall is different; we would not have given an approval on a site walks, but we did discuss culverts, but I didn't think they would meet performance standards, and that a bridge would be better in that specific location ; GC -- Discussion was had about looking back at meeting minutes- It was stated that history was not as important as moving forward; Initiating an NOI will clarify what the Agent wants, and the TrailsCom can review and discuss objections or alternatives before filing... TRAILS: what we're really asking for is the ability to move forward because we're sitting on these funds.... EG: EG I do not remember anything definitive being decided; we'll plan another site visit GStaab we'll resubmit the original proposal document to Agent

White Trail (Mountain Laurel) Work Relocation

This trail has been flagged; there was a 1st look at proposal ; it has two sections crossing a wet area - What pieces of this can we proceed with? GC you can proceed with anything outside of the 200 ft zone- The areas still to be discussed are the 2 wetland crossings - One is the little intermittent brook area - a straightforward little bridge; the second is where we discussed a boardwalk thru about 70 ft of that boggy area.... GStaab: we had talked about doing some work to restore the area where the logging ruts remain for the tornado cleanup work GC: logging ruts can be repaired, but we don't want to trench it or channel it TC: if we restore (minimize) some of those ruts, we can minimize the amt of boardwalk needed, and minimize future maintenance costs; it could change boardwalk length from 70 ft to maybe only 15 or 20 ft GC: it's confusing that your plan talks about this trail being an ST3 trail, which is defined as a small trail, 18-24 inches wide; so I see the boardwalk width easily being reduced ; there are a couple other small insignificant areas where we can neck it down to bog bridges - a couple 8 inch planks- making sure to accommodate the bike riders... perhaps using unfinished planks for more traction; we also have an offer from OSV to get local lumber from their sawmill....

GC: Summary: starting from where the trail meets the Raven Rookery trail, down to the brook, can all be worked on. By the time you reach that area, I can have a the NOI filing ready;

These projects are on the 197 Leadmine parcel, so Fish&Wildlife will not be involved....

To clarify, no work 200 ft before the crossing and 200 ft after the crossing until NOI is filed

NOTED: TrailsCom would like the NOI for the Red Trail work done before the White Trail

All understand that this project needs to proceed, hopefully to completion before July 1, because of the funds that Trails has encumbered for this use.

GS: as an FYI to ConCom, 3rd Saturday is always a work day, and at any given time there may be volunteer equipment being used - Not just our atv or excavator; but often volunteer tractors.

Clarification: On these regularly scheduled work days, equipment use is preapproved by Fish&Wildlife. At any other time, Trails must notify Agent to notify Fish&Wildlife before the work day... Only other allowable is occasional Thursday or Friday staging for a Saturday work day activity.... (e.g. lumber delivery)

GS: GregMorse and Phil Cambo have offered manpower to operate the mini excavator on Leadmine trail, pulling roots and rocks... Equipment would be left overnight for several days so the work can be completed; target date is end October, early November; All north of pipeline, only TREK trails -- Fish&Wildlife will need notification

GC requests that this type of work is done in such a manner to keep trails clean, without leaving piles of stumps, rocks, etc- on side of the trail- brush and log piles will take 20 years to decompose; pull piles back into the woods and disperse so peoples' experience is pleasant.... TC: requesting clarity: re stump piles and brushpiles have been approved previously as wildlife habitat... EG: but we are all agreeing now that we want the trails to look as natural as possible- so we will make these efforts when possible.

Enforcement

29 Main Street, Brian Eisold. EBT Environmental to present restoration plan.

- Agent informed commission that plan is being worked on; EBT is making changes, and will present at our next meeting.

45 Seneca Ln, Craig Moran. Restoration/replanting plan. (continued for plan)

Agent reported that Mr. Moran has retained the services of an attorney; Agent has received a letter from the atty stating that a replanting plan will be ready before the end of the year, with replanting completed in spring 2016. The Commission strongly objects to this schedule, and directed the Agent to respond to the atty with a letter stating our disappointment with this schedule, and requesting a plan be presented to the Commission at their next meeting on November 5th.

8 Birch Street, Gerry Paquin. Work in the buffer zone without permits. Demolition plan.

- This plan has been requested several times, and was promised for tonight's meeting. Mr. Paquin was not present tonight and had not contacted the office. The Commission concluded that we now must impose fines for this failure to meet the deadline, and the agent was instructed to advise Mr. Paquin accordingly.

9 Holland Road, Gerry Paquin. Work in the Riverfront Resource Area without permits.

- Agent is continuing to monitor this site.

19 Mashapaug Road, Outdoor World Campground. Fill in lake and buffer zone to create beach. Plan to remove sand and restore bank. Agent is continuing to monitor this site

30 Camp Road – Richard Ellis – Work in BZ. Stabilization plan required.

- Commission expected stabilization plan to be presented tonight; Mr Ellis was not present tonight and had not contacted the office. The Commission concluded that we would initiate a warning letter regarding imposing fines for failure to submit this plan. The agent was instructed to advise Mr. Ellis accordingly.

SIGNATURES

Order of Conditions: 16-18 Cedar Street with special conditions, include 15' diameter root zone

DEP #300-488, 215 Podunk Road, Suzanne Vitale. 2002 Complete Certificate of Compliance: Old OOC, cleaning up for Realtors;

DEP #300-424, 312 The Trail, issued to Paul & Pamela Delacey. 2001 - Complete Certificate of Compliance: ;
Old OOC, cleaning up for Realtors

DEP #300-654, 310 The Trail, issued to Jason & Marie Ricci. 2005 - Complete Certificate of Compliance: ;
Old OOC, cleaning up for Realtors

DEP #300-471, 17 Audubon Way (The Preserve), Robt. Moss. 2002; Also known as Lot 35 - Partial Certificate of Compliance: :

Correspondence

Agent has received memorandum from EcoTec, Inc re Mimeault project at 76 South Shore Drive outlining the restoration plan. Commissioners asked if we had heard back from MassDEP; we are still waiting feedback, Glenn will followup

Consensus to approve if no objection from MassDEP: EG abstain

Agent has received a letter from Mike Lemansky of 114 Paradise Lane, requesting permission to repair his shoreline retaining wall during drawdown. The repairs will be done by hand; it consists of primarily replacing rocks that have fallen: In the past, the Commission has allowed for simple rock wall repair to be performed without a filing. Can we confirm that this is still the stance of the Commission? **Consensus granted.**

Agent has also received a call from a man repairing a deck; he is only replacing existing boards: Please confirm that no filing is necessary for this project? Commissioners: Agreed, but please take a visit at some point to confirm there is indeed no other unauthorized work being done...

Plimpton Community Forest Management Plan: Submitted for final approval to close out the USFS grant ; we have deadline of October 31st in order obtain funds. Upon review, it was discovered that the document in hand had been written to include all conservation land. Agent was request to contact Trust for Public Lands (Darci Schofield) and clarify that we can edit the document to apply specifically to the Plimpton Forest. Commissioners will make themselves available as necessary to follow through with review, approval, and signatures before the deadline.

9:00 Motion to Adjourn (CM) 2nd: DB AIF 3:0

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.