

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Thursday, February 4, 2016**

*Approved April 7, 2016*

**Sturbridge Center Office Building, 2nd Floor**

**Meeting Called to Order:** 7:10 pm. Chairman Ed Goodwin  
Ed welcomes Steven Halterman as he joins us for his first meeting with this Commission. Steve has lived in Sturbridge for 30 years; has spent his professional career working with environmental issues: 25 years with Mass DEP including several years as Deputy Regional Director of the Western Mass Regional office. working specifically with the Wetlands Protection Program, and the last 5 years working for private firm as their Environmental Manager . The Commission welcomes him.

**Quorum Check:** Confirmed

**Members Present:** Ed Goodwin (EG), Chairman  
David Barnicle (DB), Vice Chair  
Steven Chidester (SC)  
Steven Halterman (SH)

**Absent:** Joseph Kowalski (JK)

**Others Present:** Glenn Colburn (CG), Conservation Agent  
Anne Renaud-Jones, Conservation Clerk  
Applicants and/or Audience Members: Steve Bressette, Jalbert Engineering

**Committee Updates:**

- **CPA – (EG)** CPA is preparing for Town Meeting; reviewing our programs
  - Recreation came before CPA seeking new ballfield fundraiser; CPA has committed to supporting this project and putting it on the ballot these new ballfields for a total \$1M; \$150K disbursed annually
  - Flag Framing proposal was withdrawn by applicant (Historical Commission)
  - Document archiving project for Town Hall records - is still being discussed regarding which process will be used ; we have \$25K set aside for the Town Books to be done;
  - Document archiving project requested by the Congregational Church has been denied because they don't meet the criteria of the Community Preservation Act; they may resubmit after reviewing their project
- **Trails Committee – (DB)** Meeting is scheduled for next week;  
Agent shared photos of the new signs for Heins Farm and Leadmine Mountain parking lots; made by the carpentry classes at Tantasqua; Instructors said it was a great project because it encompassed two different skill classes; They will be doing 3 more signs in September for Trails Committee. **“Thank you” and “Job well done” to students who worked on these projects, and to their instructors Keith Mero and Ray Vallee.**
- **Lakes Advisory Committee** – Need for a new liaison from the Commission.

7:00 **Winter Scavenger Tree Hunt prize drawing;**  
Agent pulled name **Haley Courtney** as the prize winner of our Tree Hunt; Haley submitted a photo of herself and her twin brother with one of the decorated trees on the Heins Farm trail in December. Haley will receive her choice of a bird house for blue birds, wrens or chickadees, and her choice of magazine subscription; either Ranger Rick or Mass Wildlife Magazine.

**Public Hearings**

7:15 Notice of Intent DEP #300-tbd, 127 New Boston Road, Mr. Angelo C. Berti for replacement of a failed septic system in the buffer zone; Steve Bressette of Jalbert Engineering representing Berti; SB presented plan for new septic system, site has good soils, location is same spot as the failed system: position not flexible because of locations of 3 wells.... Agent comments: straw wattles should suffice for erosion controls; large tree should be saved; please advise contractor to do as much as he can... Commissioners: site visit showed some dumping of yard waste near the

wetland- Agent: Our Order of Conditions will specify that site needs to be cleaned up with no further dumping... No further comments.. The Commission cannot close the hearing tonight because no DEP number has been received; **Commission consensus to continue to next meeting, February 18.** Neither Mr Berti nor Jalbert Engineering need attend on February 18.

#### Enforcement

**8 Birch Street, Richard DiBonaventura.** Work in the buffer zone without permits.

Plan was presented without necessary specifications: Agent will advise property owner of need to resubmit. When this plan is approved by the Commission, a Letter of Memorandum will accompany the Permit clarify the need for a suitable space at bottom of fence for critter crawl space.

**9 Holland Road.** Work in the Riverfront Resource Area without permits.

**479 Main Street.** Tree removal in the buffer zone and resource area without permit.

Agent has spoken with business owner and is waiting to identify the party who performed the tree removal.

**3 Ladd Road** Work in the buffer zone without permits. *Continued from January 21st)*

AGENT REPORT: Letters were sent to homeowner telling them that I would be back out in the spring to identify the wetland line. Also a letter was sent to Advantage Tree (and copied to commissioners) and said that regardless of the small print on their contract; they are aware that a permit is needed in Sturbridge, and they are as responsible or moreso than homeowner; that this letter is a formal warning, and ANY future incidents would carry a fine. This ticket was identified as a first violation, with a ticket at \$0.00; the next would carry a fine- I also went out on MACC website to see if it is permissible to fine the (contractor) and answer was a strong yes.

Commissioners: Said they had expected GC to return to them with info from MACC so they could issue a fine; spoke of several past instances or problems with Advantage and therefore they considered it multiple offenses

GC: we had never issued previous tickets, so per our bylaws, I had to consider this a first violation: Commission had never brought action on previous actions, so we can't retroactively issue fines

EG: but the Commission never voted on a \$0.00 ticket; DB: we can send letter saying because of other violations (and detail) that this is actually violation #3; 39 trees is pretty egregious; some were big and healthy trees Unacceptable to not fine them.... Concern about setting any precedent... EG: Ladd Road is what we're focusing on

**Motion (DB):** To fine Advantage Tree for the cutting of 39 trees at 3 Ladd Road, some in buffer zone, some within the wetland, without a permit, based on the fact that Advantage Tree regularly works in Sturbridge and knows our bylaws. Fine will be set at the amount at \$3,675, the accumulative fee for treating each of 39 trees as an individual violation, due to the egregious nature of this incident. Many of these trees were very large and healthy trees.

**2nd (SH); VOTE: 3:1 (EG dissent)**

#### Emergency Certifications

228 Route 15, diesel spill cleanup. DEP tracking #2-19762. Soil removal and monitoring well.

**Approval of minutes: Jan 21, 2016: Motion (DB) to approve Meeting Minutes of January 21st with one minor edit:**

**Vote: 3:0 (SH abstain)**

#### Signatures

- **OOO Extension for 371 Main Street** - Thai Restaurant: DEP# 300-878 – signatures done
- **OOO for 198 Charlton Road** - Arland Tool & Manufacturing; DEP#300-944 – signatures done

#### Old business

##### **Discussion on comprehensive permit application for Five Leaves at Sturbridge.**

EG: Next meeting of the ZBA is Wednesday, Feb 10: All commissioners are urged to attend... All Commissioners have reviewed the revised plans; Major Objection: Building #3 is smack in the wetland: Upland lot is buildable; why can't move building #3 move to that spot? Discussion focused on reviewing the "Waiver Request from Zoning Requirements" document submitted by Five Leaves, and composing a letter to Sturbridge ZBA with rebuttals for each waiver being requested by the applicant. Commissioners: knowing that Sturbridge bylaws may be waived in this process, we'll focus on provisions of the Mass DEP Wetlands Protection Act: Primary to all objections is the concern about the wetland delineation; When on commission visits, there were clearly spots with wetland features and plants that were not

identified in the delineation; we feel there are errors in the delineation that need to be reviewed. All work within setbacks and buffer zones are more worrisome because of this concern re wetland delineation accuracy: In some places, work is within 4 feet of water. Parking lot setback is 13 feet; there is no allowances for treatment of storm water.... There seems to be inadequate snow storage: the setback in many places is inadequate for the activity associated with an apartment complex.

We strongly suggest inclusion of a peer review; We strongly suggest the wetland delineation be reviewed; We strongly suggest an Alternative Analysis; We will review the project using the Massachusetts Wetland Regulations 310 CMR 10.00, and require the applicant to meet all performance standards.

Agent will compose a letter with these points, run past EG, and submit to ZBA in time for meeting.

**Agent Report**

- Agent is attending a Water Quality Seminar on Feb 5
- Update: **The Last Green Valley** – Spring Walk Series - Have chosen a date of Wednesday, May 11; 6:00 to 7:30 ; Opacum Land Trust will join us with a botanist or other specialist...
- Agent forwarded info to Commissioners regarding upcoming Speaker series from Mass Wildlife...

**Adjourn: 8:40 MOTION to Adjourn (DB) 2nd (SH); AIF**

*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.*