

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, July 21, 2016

Approved Sept 1, 2016

Sturbridge Center Office Building, 2nd Floor

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

6:00 pm - Working Session Called to Order:

6:00 – 6:55 pm: Working session for review of final versions of Sturbridge Conservation Restriction documents: Update from Agent: All 4 CRs have been sent to EEA; 3 of them are back and we have copies in front of us for review; we've made minor changes based on comments from EEA; we'll send back to Boston tomorrow; they will approve; we will get Opacum signature; then send back to EEA for final signature Matt Beaton, Secretary EEA. Then we can file w Registry of Deeds. Commission reviewed and discussed all notations from EEA; no further changes were made. Commission discussed reviewing remaining CR document (Long Pond) via email when it arrives from EEA. Agent will send upon receipt.

7:00 pm - Reconvene Regular Business Meeting

Call to Order: 7:00 pm. Chairman Ed Goodwin

Quorum Check: Confirmed

Others Present: Glenn Colburn (GC), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Carol and Wayne Grenier, Jason Yerke, Ed Paquette, James & Jackie Rowe, Lenny Jalbert, Scott Morrison, Frank Bicchieri, Miguel Linera, Mike Andrade, Nick St. Laurent, Matt St. Laurent, Andy St. Laurent, Brandon St. Laurent, Chris Predella, Craig Moran, Chuck & Jill Roy, Tom Chamberland, Brandon Goodwin, Gary Staab, David Peterkin

Committee Updates:

CPA: Committee has not met

Trails Committee: Committee has not met

Lakes Advisory Committee - is having meeting tonight

Walk-in 7 Cedar Pond Road, Carol Grenier: Tree Removal request: with certified arborist Jason Yerke of Distinctive Tree: 12 trees in varying degrees of decline; in close proximity to the house; recommend removing due to threat of failure; recommend stump grinding: large maple will just be pruned; Greniers are willing to replant; Agent suggested birches near the lake: **MOTION (DB) 2nd SH: To approve as discussed with replanting; some at lake shore- discussed river birch or shadbush groupings ... 6 or 7 ft high: VOTE: AIF**

Public Hearings

7:15 **Notice of Intent, DEP#300-tbd, 9 Holland Road,** Culvert repair in the riverfront area. Richard DiBonaventura, represented by Paquette Builders. Ed Paquette (EP): found major issue right at break of culvert with large boulders blocking the flow: removed boulders: has not been problem since: Would like permission to repair with 6 ft length of 36" culvert; water does not flow constantly; will plan work for dry period; +/- 1 day work time; Commission recommends hay bales and filter fabric, as well as close eye on weather when planning actual work date.

Agent: we have no DEP number yet, so we cannot close this hearing: but we can proceed under our original Enforcement Order to allow for the immediate repair of the culvert as the “fix” for “stabilizing the site”. **CONSENSUS to move forward with this immediate culvert fix. Agent to write up an Enforcement Order noting plan discussed tonight (when dry, watching weather forecast); 6 foot length of culvert to be repaired as soon as possible.**

-- EPAq: would like to continue with cleanup of the site: the planted areas are growing well, we’d like to remove the large pile of stumps, and regrade the area washed out by the broken culvert; the driveway is full of holes:

Agent: You can do the brush clearing, but any other work needs to be done under this NOI, which cannot be approved until we receive a number from DEP and issue an OOC: But we also need a plan from Paquette Builders - We need a plan for the regrading of the driveway, and we need a stormwater mgmt plan because this runs right into the river- So we need a sedimentation basin or an infiltration system of some sort to be able to approve this work... **Applicant requested a continuation to August 11 meeting; Approved by consensus: AIF**

7:30 **Notice of Intent, DEP #300-957, 6 Birch Street, James Rowe;** replacement of lakefront retaining wall; James & Jacqueline Rowe present: current wall is deteriorating: made up of railroad ties; falling apart and ant-infested: this proposal is a rock wall: “techno-blocks”; no gaps in the design: Commission expressed concern about solid nature of the wall: requests consideration of re-design with crevices and gaps to allow more wildlife friendliness ... **Continued to September 1st meeting**

7:45 **Notice of Intent DEP #300-954; 1 Old Sturbridge Village Road, Solect Energy Development, LLC;** Construction of a solar-electric generating field in the riverfront area. Cont. from 6/16/16. Present: Miguel Linera, Scott Morrison, Frank Bicchieri,
ML: Updates since our last meeting: we now have approval of the Stur Planning Board: we have received our MEPA certificate: we will have our MESA Conservation Management Plan soon: Frank Bicchieri (Bertin Engineering) shared comments from Quinn Engineering (peer review report) and the design adjustments made in response. Scott Morrison shared info regarding comments from Natural Heritage: they will be using a “turtle-friendly” grass mix per NH request: the mowing plan will be every other year: a “screen planting” will be developed and shared with SCC when finished; Commission asked about noise levels of the inverters – Miguel Linera shared detailed information from product data sheets showing sound levels are no louder than normal conversation levels.
Motion (DB) 2nd (SH): to close the Public Hearing and issue an Order of Conditions, with the condition that if sound becomes an issue, the topic will be revisited and mitigation may be required. VOTE: AIF

8:00 **Notice of Intent, DEP #300-949, 43 Abrams Drive; Cont. from 4/7/16.** Brian R. Juliano, represented by Jalbert Engineering; project consists of 2 items: dismantling and replacement of a deteriorating retaining wall, and installation of a volleyball court – both within the buffer zone. Len Jalbert presented revised plan: They have changed the plan so they will not be removing the existing wall, and will instead re-point the existing wall, and add 2 access points about 15 ft wide, sloping to grade; 3:1 on natural grade; 12” square pervious pavers from shore to top of grade, where it will merge with existing lawn; soils are granular, class 1 soil- very porous; We’ll need to armor this section - Work will be done at drawdown; repointing will all be hand work; machine work only necessary at access points.
Commissioners want new tree plantings done now along the water, so that as current trees age, replacements will be stable. **MOTION: (DB) 2nd (SC) To close the Public Hearing; approve the project as presented tonight, and issue an Order of Conditions. Vote: AIF**

8:15 **Notice of Intent, DEP #300-956, 152 and 158 Main Street, NMB Realty, LLC, Five Leaves at Sturbridge:** construction of a 97-unit residential development with associated site work in the buffer zone. Mike Andrade (prj mgr), Scott Morrison (EcoTech), Nick St Laurent, Andy St Laurent, Brandon St Laurent (NBM Realty)

-- (MA) Summary: This project is a 9.4 acre site; plan includes 3 apartment buildings; accessed thru a curb cut currently shared with the Scottish Inn, which will be widened as necessary; 97 units in total across 3 buildings; parking garages under Bldgs 2 & 3; all discharge maintains current drainage patterns; stormwater infiltration structure under parking lot; fire lane is behind Building #3; open space with a planned playground and picnic area; leaving some specimen trees on walkways to the walking bridge; bridge spans the wetland- bridge is a one-piece placement- not being constructed on site... Work is in buffer zone but very close to BVW. Have received ZBA approval; stormwater system peer review in process

Agent: Site visit did show some hydric soils outside the delineation - most of the area is Bordering Vegetated Wetlands; we have not granted a waiver of the Isolated Wetlands Bylaw -- Because there is no room onsite for replication, suggesting site mitigation in other ways: plantings along the wetland edge; suggest clean-up where obviously needed; would encourage wetland restoration where possible; suggest a nature trail for residents to use and enjoy the site –

Discussion of responsibility for wetlands and property after construction: it was clarified there will be onsite property managers for daily responsibility, but ultimate responsibility belongs to property owners, NBM Realty, for the condition of the site, including the wetland, both pre- and post-construction. It was suggested that Maintenance Plan (O&M) specifically mention annual cleaning and maintenance of the wetland.

Discussion about snow removal: there are some areas for snow storage; excess is trucked off site; MA: the treatment for snow and snow removal is also a concern of ZBA and is a condition of ZBA approval; Goal is no snow on driveways, and walkways; and all planned parking spots accessible.

Discussion regarding materials being used for the retaining wall and the fire lane: MA: these are pervious products; the wall has no poured foundation; it is designed to carry its own weight; The blocks being used for the fire lane provide a surface for the vehicles, but rain drains through them: some commissioners disagreed about permeability of the material being used; More technical data will be submitted for commission review.

Discussion regarding site drainage and detention basins: there are 5-6 catch basins, 3 of which have storm receptors... There are no drains in the garage floors.

Discussion regarding lighting on the site: DB: suggested changing terminology “Night Sky” to “Dark Sky” compliance; MA: yes, our lighting plans still need to go back through Stur ZBA

Discussion of landscaping, planting and stump grindings, etc: MA: Stur ZBA has asked for formal landscaping plan for their review; some limitations exist because of presence of the gas line;

Discussion regarding wetland delineation: commission is still concerned about a couple spots of wetland in very close proximity to building structures: SM did not see dominance of wetland plant species in those areas of concern; seemed to be dominated by non-wetland plants; SH clarified that DEP does allow mitigation of an impacted wetland: it was decided that some restoration work with some new plantings would offset these concerns: a plan will be presented.

MA: Request for continuation to August 11th meeting to revisit the following:

- A plan for the cleanup, restoration and enhancement of the wetland, especially where most degraded;
- addition a nature trail to the property plan to enhance resident experience;
- update the O&M plan to include biannual wetlands maintenance;
- provide additional technical data regarding the permeability of the material being used for the firelane
- add a construction envelope to the plan to clearly define work limit.

Commission consensus to grant continuation to August 11th, AIF

9:00

Notice of Intent, DEP#300-tbd, 45 Seneca Lane, Craig Moran. Landscaping in the buffer zone. Craig Moran and Chris Predella (Babe) of Babe’s Lawn Care presenting; Agent: no DEP# has been received for this project, so we will not be able to close the Public Hearing this evening.

CP: This project entails installation of a walkway along the edge of the property down to the lakefront with a series of steppings as it graduates down the slope, and building a retaining wall on the side of the house facing the lake, about 18’ from the water, which will then be back-filled to

make a level lawn area - This area has historically been a problem- infested w grubs- nothing will grow... No deck will be installed- the goal is a level lawn area for sitting -
Agent Comments : concerns with erosion controls; once you start this work, the site will be very vulnerable due to the slope; you will have to make sure the sides of the wall work area are secured; would like to see tree plantings along the lakeside; Commissioners: would prefer 20-22 feet from the lake, which will require less fill on your part and be better for the lake- **Commission granted request for continuance to August 11th meeting: AIF**

9:30

Notice of Intent, DEP#300-tbd, 197 Leadmine Road, Trails Committee:

Trail work, bridge repair, and new bridge installation in the buffer zone.

Agent: we have not received DEP# yet, so we cannot close this hearing tonight.

Discussion for clarification of details of bridges at 2 crossings

-- **Pinelands North:** - this is a new crossing with a new bridge installation: a timber mat bridge using 6 x 6 inch timbers with 4 inch concrete blocks for supports; length is 12 ft length (this is the spot where we once discussed a culvert and bridge, then also discussed an option for a stepping stone crossing)

-- **Pinelands South:** this is the replacement of an existing rotten timber mat bridge with a new bridge; telephones pole supports; 9 ft wide x 20 feet long

-- Grading: this NOI also includes grading on the Leadmine Trail which is in the buffer zone

Hearing is continued to August 11th due to absence of DEP# . AIF.

Minor Amendments to Orders of Conditions

DEP#300-914, 187-189 Lake Road. Jill & Charles Roy: Work in the buffer zone. Removal of old garage and build new in newly proposed location. Represented by Jalbert Engineering.

Len Jalbert: This garage is a 35 x 42, 2-story garage previously submitted and approved by the SCC under the ownership of John Argitis. It has been approved by ZBA; We've diminished the slope, added 8 new trees, planed and mulched the whole slope; driveway will be paved (to meet town regulations). AGENT: New site is further from the lake; we lose a few more trees with this plan, but gaining more plantings... there is no fill coming in- just rearranging. It is 2-story- a garage underneath, storage above; ZBA has already specified no electrify, no plumbing allowed. Commissioners stressed the importance of erosion controls on this project.

Motion to approve this as a Minor Amendment. AIF.

Letter Permits

Tree Removal Application, 68 Paradise Lane, Steven Miller, Karl Miller; 3 Trees; trees were not flagged at previous site visit. **Motion to approve: no replanting required. AIF**

New business

Request for 3 year extension of Order of Conditions: DEP#300-751: Peter Mimeault, 76 South Shore;

Agent: His work has been delayed due to a pending court case. **Commission Vote AIF.**

Trails Committee

Leadmine / Pogus Trail – which is a new short trail approved in the batch approval done in (May?) from full 2016 Trails Plan; GeoFest volunteers have offered to work on August 20; all confirmed that this has been approved.

Leadmine / Mt Laurel Trail (old "White Trail"): Would like to review 3 crossings previously discussed.....

BG: Trails is hoping to proceed with the planned bridges on the Mountain Laurel Trail (old White Trail). This project consists of 2 bog bridges, and a 12ft bridge over the intermittent stream. Glenn originally had concerns with width of bog bridges at 3 ft wide; we would like to discuss again because 3ft works better for strollers, etc; Trails is hoping to move this forward so that work can be completed this fall...

GC- This is a project that will require another Notice of Intent filing; We have no paperwork submitted yet for the bog bridges or the crossing of the intermittent stream; you can do anything outside of 200ft from resource area or wetlands.... - so any clearing you want to start can go ahead... Unfortunately the Conservation Dept has a very heavy workload right now- I am not sure we can write up your NOI submission for several more months; However, I could help you with process of submitting that NOI paperwork yourself

TChamberland: Tom brought up possibility of treating this project as a "minor project"; it is a minimal width bridge –and may not require a wetlands permit and hearing; it is an ST-3 trail – the project will involve minimal soil disturbance... bridge will be ramped – no steps - sitting on native stone or concrete blocks

GC - Submit a Request for Determination of Applicability; file paperwork, submit drawn plans for the bridges; I will have to check if a bridge could be considered "minor project- I thought that related to just trails... I will research.... Deadline for filing for a hearing on Sept 1 meeting is Aug 11- (3 weeks before meeting is deadline)

RIVERLANDS:

BG: we're planning to start Riverlands work and want to give Conservation a heads up.. – There will be some work replacing broken culverts, some minor grading, etc- We'd like some clarity on what we would need to file with the Commission; GC: for general guidance: any work being done within 200 ft of the river; the riverfront area, and the buffer zone would require filing an NOI with us... BG: We'll get some submissions lined up and submitted next week to get onto the September 1st agenda....

LEADMINE: Seven Ridges Trails and Elliot Trail

BG: We'll also be pulling together our plans for Seven Ridges Trails and Elliot Trail and getting submissions in to Conservation. GC there is a fair amount of vegetated wetlands in that area and some perennial streams along there... so just like Riverlands, anything within 200 ft will require a filing....

Enforcement

- 8 Birch Street, Richard DiBonaventura. Work in the buffer zone without permits.
- 9 Holland Road. Work in the Riverfront Resource Area without permits.
(see Hearing notes above)
- **460 Leadmine Road, John Stevens.** Progress report due. Completion of restoration work by August 11th. AGENT: we have not received any progress report. Glenn Krevosky is supposed to be on site when the work starts. SH: expressed grave concern about this project, citing the absence of a work plan and schedule: He has been thinking that we should be proceeding more carefully: "we do not know if the material is contaminated....we do not know where he will bring the fill when he removes it..." ; SH calculates approx. 600 cubic yards of fill will be removed, which is very significant; Should we call DEP on this project? Should we speak with BOH about this? Options seem to be: - fine him; or call DEP; or call BOH; in any case we must have a plan for removal – We should also make a "manifest of disposal" a requirement of this enforcement...

Commission consensus: yes , notify BOH; yes, notify DEP; yes, issue ticket, beginning a daily fine process. VOTE: AIF

Signatures

SIGNED: Certificate of Compliance DEP #300-926, 170 Lake Road, Fred & Susan Shea.

SIGNED: Certificate of Compliance DEP #300-933, 66 Mt Dan Road, Jeffery Buchanan.

Election of Officers

- DB nominates Ed Goodwin as Chair of SCC for 3 years. 2nd SC; No discussion. **Vote: AIF**
- SC nominates David Barnicle as Vice Chair of SCC for 3 years. 2nd SH; No discussion. **Vote: AIF**
- SC proposes David Barnicle remain liaison to Trails Committee. **AIF**

Correspondence

-- 200 Fiske Hill Road; property is being taken out of Chapter 61A. The town has received letter of Right of First Refusal; Commission declines to exercise our Right of First Refusal to purchase the property at 200 Fiske Hill Road. **AIF**; Letter will be sent to Board of Selectmen.

-- We have been notified by TN Gas of their annual maintenance work.

Approval of minutes: Meeting Minutes June 2, 2016 – approved as submitted.
Meeting Minutes June 16, 2016 – approved with minor change

Meeting Adjourned: 11:20 pm Motion to adjourn: DB; 2nd: SC Vote: AIF

Next Meetings: Thursday, August 11, 2016.

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