

**TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION**

**Thursday, October 6, 2016**

*approved October 20, 2016*

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

**Meeting Called to Order:** 6:00 pm. Chairman Ed Goodwin

**Quorum Check:** Confirmed

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

**Others Present:** Glenn Colburn (GC), Conservation Agent  
Anne Renaud-Jones, Conservation Clerk  
Applicants and/or Audience Members: Joe Kowalski, Nick Salvadore, Margaret & Fred Gunn, Fred Kopza, Josh Roy, Ellen & Jack Welch, Len Jalbert

**Committee Updates:**

**CPA:** Meeting was held, discussion re 260 acres on 14-50 Douty Road property, which is coming out of Chapter 61 and the Town has Right of First Refusal: signed Purchase of Sales for \$960,000; the Property is very attractive to the Town, and is being reviewed by CPC, Open Space and Trails Committee;

**Trails Committee:** Trails walked the Riverlands last weekend with Ed Hood of Opacum Land Trust to discuss trails proposal

-- Also, DB announced that FROST has created and will be presenting an award to Sarah & David LaFrance, who were principal in the planning and development of the (recently completed) nature trail at Burgess Elementary School.

**Lakes Advisory Committee -** No news; next mtg is Oct 20.

**Walk-in Nick Salvadore, 100 Westwood Drive:** Commission approved a deck installation at the September 1, 2016 meeting; At the time of approval, engineered drawings did not exist, and distance from the lake was stated at 53 feet; Engineering calculations now show corner of the deck does crossover into the 50ft buffer. Deck extends 1.5 into the buffer; Commission has visited the site, requests planting 3 clumps of bushes close to the lake in exchange for the encroachment; Salvadore agreed and will discuss best plant options with Agent. **Commission approved revised plan; AIF.**

**Josh Roy, 226 Roy Road:** Commission approved raze and rebuild at the September 1, 2016 meeting; new home is a modular home, and there are difficulties bringing in the prefab pieces on the truck; road, curves, and a stonewall are presenting problems; JRoy is requesting permission to remove three trees (1 is already dead) to allow him to re-route the truck's path to the site... This new path would also require a temporarily fill of a low spot for leveling ... the fill (tailings) would be removed and the area replanted; **Commission requested a re-visit to the site**, and scheduled for Tuesday morning, October 11th at 9:15 at the site.

**Public Hearings**

6:15 **Request for Determination of Applicability:** 90 Paradise Lane; Ellen Welch; Represented by Jalbert Engineering; Detached 28'x24' garage within existing pea stone parking area. LJalbert presenting; submitted documents: legal ad tear sheet and proof of abutter mailings... LJ: project is a detached garage in rear of property, 100ft from the lake; ; project will consist of 4ft frost wall; dripstrips will be installed on east & west sides- trench will be 36in x 18in deep; South side is existing peastone parking areas - Discussion was had regarding relocating utilities wires, and the large pine tree at the back corner of the garage; Commissioners were concerned with damage to the root zone of that tree; site does not allow for relocating the bldg. due to drain and

sewer lines, and meeting ZBA setbacks; there will be no stockpiling on site; **Motion EG; 2nd SH to close the Public Hearing, approve the plan as presented requesting great effort to minimize root zone damage to the large pine; and issue the following finding:**

Determination: positive determination #5 confirming that the project is subject to the Sturbridge Wetland Bylaws, and a negative determination #3, confirming that this project is within the buffer zone, but will not alter the area subject to protection. No Notice of Intent is required.

**APPROVED 3:1 (DB).**

- 6:30 **Notice of Intent: DEP#300-tbd:** Trails Committee: 127A Leadmine Road: Construction of 1 bridge and 2 boardwalks. **Rescheduled to October 20th.**
- 6:45 **Notice of Intent, DEP#300-959,** 9 Holland Road, *Continued from July 21, 201* Culvert repair in the riverfront area. Richard DiBonaventura, represented by Paquette Builders. No representative was present; applicant has not filed with Natural Heritage. Neither contractor nor property owner has been in touch with Conservation after numerous contact attempts. Agent recommends denying this project for lack of information. We can proceed with the culvert repairs under the open Enforcement Order. **Motion (DB) 2nd (SH) to close the public hearing and deny the project due to lack of information. Vote: AIF** (*see add'l information under Enforcement*)

### Letter Permits

**36 Mt Dan Road, John Stagias,** seeking removal of 13 trees: represented by Joe Kowalski, Ganesh Tree Health; 1 large 36in oak in decline; possibly could have been saved if treated earlier, but recommend removal; 9 Ash: 3 dead, 3 in decline, 3 look healthy; Commission has visited site; Submitted plan shows 5 new tree plantings, but Commission asks 8 trees (2.5in caliper) plus 2 shrubs, with some as close as possible to the water... **APPROVED AIF (4:0)**

**126 Leadmine Lane, John Zajac,** 1 tree; Comm has visited the site; tree is dead: **APPROVED AIF 4:0**

**36 Goodrich Road, Frederick Gunn,** 1 tree: Comm has visited site; tree roots being undercut by plows, becoming unsafe; **APPROVED AIF 4:0**

### Enforcement

**460 Leadmine Road,** John Stevens. Agent has visited the site and the restoration appears to be finished and looks good; has not heard from Mr. Stevens or Mr. Krevosky, but expect to soon. Daily fines have accumulated since August 11 which is the date of the deadline we issued in our Enforcement Order. Commission requested Agent send final letter to Mr. Stevens detailing amount owed.-- Commission began further discussion regarding possible additional fines for the damage to the wetlands - Violations noted were 1) Work without a Permit 2) Destruction of a Wetland 3) Some feel add'l fines are very important to let the public, including potential violators, know how serious the town protects these resources.

**8 Birch Street,** Richard DiBonaventura. Work in the buffer zone without permits. Land has been sold; closing at end of October; Agent has composed a draft letter to new property owner as requested at Sept 21 ConsComm meeting, but was asked by Finance Director to hold the letter back until closing was confirmed. Agent reported that Ralph Nichols was new owner, and that Mr Nichols has already been into Town Offices exploring several departmental rules and regulations which would affect the site.

**9 Holland Road.** Work in the Riverfront Resource Area without permits. Enforcement Order is still in effect for 1) failure to complete the culvert repair on deadline and 2) failure to notify Natural Heritage regarding submitted Notice of Intent for site cleanup and repair of the culvert. We have sent several Enforcement Orders – the last one dated Sept 1st, stating a deadline of September 15th; Daily fines are continuing to accrue, and are being levied against both the contractor and the property owner. Fine start date is September 16th. Accrues fine to-date is \$1,975. Agent will issue letters to both parties stating the current fine balance. Discussion continued about how to proceed without cooperation of the parties involved; great concern was expressed regarding silt flow into the river; Commission asked GColburn to contact Town Counsel and DEP for assistance in identifying available options; Mariel Stone and Denise Child suggested contacts at DEP; SH suggested we get photos to document the current state of the site and the resulting outwash.

**3 Ladd Road, Robert Briggs.** Work in the buffer zone without permit.

We are expecting a Notice of Intent; Commission is concerned about stabilization of the site, but erosion controls are installed and presently in good condition. Commission is concerned with delay in response from Mr Briggs and discussed possible fines or penalties for damage done.....

**Signatures**

**Orders of Condition**

SIGNED: Order of Conditions: DEP #300-922, 136 Lake Road; Bruce Gran

SIGNED: Order of Conditions: DEP #300-966, 7 Long Avenue, Robert & Patricia Sullivan;

SIGNED: Order of Conditions: DEP #300-967, 13 Long Avenue, Norman Stuart;

**Certificates of Compliance**

SIGNED: Certificate of Compliance: DEP #300-916, Burgess School PTO. Trail work completed.

REQUESTED Certificate of Compliance: 15 Lauren Lane, DEP #300-441: from an OOC dated 2002: Agent visited site, was not in compliance; boulders set to determine work limit line were incorrect; have spoken with attorney (applicant); Agent suggested use of permanent markers. DB suggested bollards, 30-40in above grade. Attorney will select what type of marker will be used. .

**Minor Amendments to Orders of Conditions**

SIGNED DEP #300-962, 6 Cedar Lake Dr. Addition of 10x16 shed outside the 100 buffer zone.

**APPROVED; 4:0**

**Approval of minutes:**

**Minutes: September 1, 2016**

Motion (DB); 2nd (EG) to approve minutes of Sept 1, 2016; **Vote: AIF 4:0**

*Note: EGoodwin was absent from Sept 1 meeting, but has submitted a Mullin Form stating his review of the video proceedings, and is therefore eligible for this vote;*

**Minutes: September 15, 2016**

Motion (DB); 2nd (SC) to approve minutes of September 15, 2016; **Vote: AIF 4:0**

**Agent Report**

-- OSV Solar field site visit.... Agent attended with Sturbridge Planner Jean Bubon, DPW Greg Morse, Bldg Inspector Nelson Burlingame; erosion controls in place, OOC has been recorded, sign is up, they are ready to begin work; they have Army Corp of Engineers permit because the project is in the flood easement.

-- Ameresco (formerly BlueWave) – Agent had sent email request (to commissioners) to use compost tubes instead of silt fence; concern expressed concern about adequacy of 12 inch tubes: discussed inserting language in our permits saying that should soil comes up to 1/3-1/2 of the height of the erosion controls, permittee is responsible for inspecting and insuring that it does not overtop..... If it's an overtop, it's a violation...; Agent reminded Commission that Art Allen is the third party environmental monitor, and will be submitting regular reports - (project had recently been suspended due to an archaeological investigation, but now is proceeding ...

-- Cedar Lake drawdown: call from Meghan Selby at DEP re resident complaint about early drawdown at Cedar Lake and his diminished ability to use the lake in this beautiful weather: we voted last September to allow a one-time early drawdown at the lake in 2016: Agent has spoken with Suzanne Brozek of Cedar Lake Association; asked her to hold off for the long weekend; she agreed; in course of conversation, she mentioned that residents will already have their contractors scheduled for work: this comment raised concerns, since the primary use of the drawdown is for weed management, although Sturbridge has allowed minor wall repairs by hand in the past.

Agent wants to prepare an information brochure for lake residents specifically addressing repair of retaining walls and under what circumstances residents must come before the Commission. Agent will offer to meet with Cedar Lake Assoc at their upcoming meeting.

-- Dam Removal Committee: The DEP came out to do a review for a combined permit application for dredging and filling. GlennC and JeanB walked with Derek Standish from DEP and Robin MacEwan from Stantech to view all 3 dam sites and culvert; Project will be phased: first: upper dam, then middle dam, then lower dam; Derek shared that there were financial concerns about the project: Commissioners are concerned that the portion of

the project involving replacement of the box culvert with the open-bottom arch. ... would be delayed or omitted. The Notice of Intent should come before the Commission in January: it was determined that the commission can address this concern within the Hearing and within the Order of Conditions.

**Motion to Adjourn**

8:25 pm -- Motion (DB) 2nd (SC) to adjourn the meeting; **Vote: AIF 4:0**

**Next Meetings:** Thursday, October 20, 2016, starting 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*