

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION
Thursday, November 3, 2016

Approved Nov 17, 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)
Paul Zapun (PZ)

Others Present: Glenn Colburn (GC), Conservation Agent
Anne Renaud-Jones, Conservation Clerk
Applicants and/or Audience Members: Bear LeVangie, Glenn Krevosky, Len Jalbert, John C Stevens, Dan Minchoff, Paul Brochu, Gayle Smith

Committee Updates:

CPA: No meeting was held.

Trails Committee: No meeting was held

Lakes Advisory Committee - No meeting was held.

Walk-ins Joshua Roy, 226 Roy Rd to discuss temporary access to his worksite through the buffer zone, requiring temporary fill and removal of 3 trees. Discussion continued regarding options for Mr Roy bringing in the prefab home pieces on large trailer.
Commission Consensus to approve plan as presented. **Vote 3:2 (EG, SC dissent)**

Public Hearings

6:15 **Request for Determination of Applicability: 37 Tantasqua Shore Drive:** Tobey Faugno: installation of solar panel array in the buffer zone. Tobey Faugno presenting: presented Legal Ad tearsheet and Abutter Notifications. This is installation of a solar array in the buffer zone- Site is 100+ ft from wetland; no trees are being taken; aerial photo shown of site: 1ft sono tubes with stakes ; Trench for electrical conduit from array to the house; -- Agent comments: Site is 50ft from road; 70ft from house; 104ft from wetland; 262ft from stream to the south; work site is in existing yard; We want excess fill from the trench taken offsite or well away from the 200ft buffer : **Motion (SH) 2nd (DB) to close the Public Hearing, approve this project, noting conditions for removal of soil and haybales as erosion controls; and find determination as follows:** 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. Vote: AIF (5:0)

6:30 **Notice of Intent, DEP#300-970 : 22 Cedar Lake Drive;** Ana & Alfred Dobson; Raze & Rebuild Single Family Home in the buffer zone: represented by Bertin Engineering; Commissioners have visited the site: Peter Engle of Bertin Engineering presenting: presented Legal Ad tearsheet and Abutter Notifications, and revised plan. DEP made comments that this project is in the wellhead protection Area. Impervious surface does not exceed 2,500 square feet, which would trigger requirements to infiltrate stormwater. This project is a raze & rebuild of a SFH in the buffer zone; new house site has been moved back from the lake edge 15ft; A permeable patio is planned lakeside, and replantings are proposed as replacement for several trees needing removal. -Agent comments: Would like to see detail regarding patio materials and construction, and more information regarding handling of stormwater: could use dripstrips or dry wells, and along driveway, grassy swales as a suggestion; but need to see stormwater addressed on this plan. - Concern about removal of 7 significant trees: replacement plantings show plants that do not really address the loss of canopy of these major trees- a 30inch and a 18in oak, and an 18in pine, for example....

Suggested river birch and fruit trees do not compensate for these large and healthy trees....
Commissioners agree with agent comments regarding stormwater and extent of tree removal:
Commissioners expressed concern with size and position of patio; its footprint reaches closer towards the lake than existing house footprint; which constitutes a new structure within 25ft... Would like patio footprint confined to footprint of existing house foundation. Also expressed concern about planned grading related to the patio buildout- current plan shows a 5ft cut with 3:1 slope; unacceptable within 25ft bz; Overall, Commission would like to see less severe excavation; patio reduced in size, more detail regarding patio materials, stormwater addressed, and attempts to save major trees, with more significant plantings, including some along lake edge: Property owner Ana Dobson spoke briefly regarding the large oak at corner, saying they had been told it would die from the construction work, and therefore they marked it to be removed.... She also spoke to clarify the position of the slope referred to in discussion of the patio. PE requested a continuation to the next meeting, Nov 17th; **Commission consensus to approve continuation. AIF**

6:45 **Notice of Intent, DEP#300-tbd : 3 Ladd Road: Robert Briggs:** Landscaping in the buffer zone. Bob Briggs presenting: presented legal ad tearsheet and abutter notifications; Landscape plan of site shown for review: Mr Briggs began with apology for misunderstandings regarding the need for permits: his intent was to try to combine necessary work for wrapping up the required replanting (per his tree removal enforcement action). Plan shows position and listing of proposed plantings...
-- Agent comments: This was initially an enforcement action regarding the unpermitted removal of 39 trees: a restoration plan was supposed to be presented- Agent felt it was clear that any additional work needed to be permitted thru ConsComm ; For this NOI, Mr Briggs was advised to file after the fact for everything he wanted, and then Commission could discuss what portions of it could be permitted.
Agent had visited the site and flagged the wetland delineation; that line was misunderstood as a work limit line on submitted plan, so it needs to be corrected; Fill brought in was reprocessed asphalt, which is a significant problem; and the site of that “parking area” is not appropriate for that purpose: “refueling of vehicles” is not allowable within 100 ft of wetlands..... If a parking area is to be built, it needs to be moved to an appropriate spot.
-- Commissioners agreed that they could consider some grading of the yard, but that all asphalt fill product would need to be removed: the parking area cannot remain in that spot; there needs to be a 25ft “no touch” buffer around wetland line- either let it go wild or mark with a barrier of some sort; Commissioners are leaving open the possibility of fines for this violation...
-- Mr. Briggs is willing to right this violation – is very concerned about incurring additional costs via fines;
-- Commissioners request a revised plan showing the revisions discussed at this meeting; Mr Briggs understands he is to do no work on site until Comm has reviewed revised plan and issued an Order of Conditions.
Mr Briggs requested a continuation to the next meeting, Nov 17th; Commission consensus to approve continuation. AIF

7:00 **Notice of Intent: DEP#300-969: 55-56 Bennetts Road;** Gayle A. Smith: rep: Jalbert Engineering: Raze and Rebuild SFH in the buffer zone. *Continued from October 20, 2016;*
Len Jalbert presenting: Revised plan being shown this evening includes the elimination of the walkout basement proposed earlier: This accommodates Commission concerns regarding related excavation in that location..... Access to the basement will be relocated though a bulkhead under the proposed deck; LJ reviewed specs of the buildings; garage is 12x21 with 4ft footings; it includes living space on second story: which is attached to the 2-story house; size is 16x28; Lot is small, and locations on this plan meet zoning setbacks. Owner does not want garage across the street for reasons of access, security and additional maintenance. The proposed septic is the smallest Presby system allowed under Title 5 law. It’s position also is greatly restricted by zoning setbacks to the road, neighbors, etc. LJ proposes that the impact to the lake of this project is minimized by the fact that the elevation of this site is 20ft higher than the lake surface. Dripstrips will accommodate stormwater, driveway can be crushed stone instead of asphalt. – Commissioners’ discussion centered around bylaw stating “no new structures within the 50ft buffer; **LJalbert requested a continuation to the next meeting, Nov 17th; Commission consensus to approve continuation. AIF**

Letter Permits

67 Bennetts Road, Charles Quinby. 2 trees **APPROVED AIF; requiring 1 replacement**
61 Clarke Road, Michael Spillane. 2 trees **APPROVED AIF; requiring no replacements**

Enforcement

- 8 Birch Street. (former owner Richard DiBonaventura) Work in the buffer zone without permits.
Agent comments: new owner Ralph Nichols is submitting NOI for December 1st meeting; agent saw plan, advised some changes be made... Expecting Hearing on Dec 1st.
- 9 Holland Road. Work in the Riverfront Resource Area without permits.
Agent comments: Denise Child, DEP, reached Ed Paquette and got immediate results. Visited site, culvert is repaired, but already buried in so didn't see actual repair of pipe; Commission never signed the Denial OOC; Paquette has November 4th Deadline to file with Natural Heritage; Amy Hoenig visited site; she will report on NH and DEP
- 3 Ladd Road, Robert Briggs. Work in the buffer zone without permit. (see Hearing listing above)
- 460 Leadmine Road; We will discuss next meeting...

SIGNATURES

Request for Certificate of Compliance

SIGNED: DEP #300-441 and 300-425, 15 Lauren Lane

Request for Extension of Order of Conditions

SIGNED: DEP #300-888, BWC Origination8, LLC. One year extension request.
(prev BlueWave, prev Ameresco)

-- Discussion about wanting to insure that crossings are done to our specifications

Order of Conditions:

SIGNED: DEP#300-968: 72 South Shore Drive; Paul Brochu; replacement of failed septic system

Approval of minutes: October 20, 2016: Motion to approve as submitted (DB) 2nd (SH); **APPROVED AIF**

Old business

- Chair EGoodwin asked that letter to new owner of 69 Paradise be sent as discussed in September: Had been delayed waiting for transfer of ownership.
- DBarnicle - has visited OSV solar array field; was surprised and concerned to see silt barrier at top of hill, and no "staggering" of fence to allow for turtle movement.... All then remembered we did not want turtle travel possible in that area due to hazard of vehicle travel within that site Art Allen is managing that site, and did do a turtle sweep before installation of fence.
- SHalterman - wants to continue discussion of possible fines for work without permits at both 3 Ladd Road and 460 Leadmine; He is concerned with a lack of punitive action on the part of the Commission being construed as an indication of this being an insignificant violation. He would like the Commission to continue discussions of a fine structure that creates a strong deterrent to violations of this sort.

Agent Report

- Agent has been approached by Jesse Greene of Tantasqua Junior High School regarding his involvement in the American Chestnut Foundation project. Jesse is working with a group of students planting Chestnut trees at the school, and are looking for an additional site for a planting; their purpose is to try to develop blight-resistant trees. They would like to plant 125 trees; cull those trees that do develop the blight; resulting in remaining trees which are blight-resistant. Agent is suggesting Plimpton Forest as an appropriate site to allow this project- where the former Christmas Tree farm was located.. **Commission agreed. Opacum Land Trust will need to be notified.**
- Caution Signs have been posted on the Riverlands.

- Ameresco (Bluewave) update: Work has begun for this project, trees have been cut: They had had delays due to changes in ownership, and also had run into a delay due to a possible historical site on the property that needed to be researched. We signed a 1-year extension tonight and fully expect this project to be completed within that timeframe.
- Winter Tree Scavenger Hunt coming up: Once again, people will be invited to participate in decorating trees on Heins Farm trails for Scavenger Hunt starting Thanksgiving weekend. We've been invited (by Recreation) to distribute flyers at the Tree Lighting ceremony on the Common on Friday night, November 25th.
- CABINS on our properties... Several of our properties have old cabins on them that are in need of removal due to their deteriorating condition - Agent will be including funds in FY2018 for this work, but does not yet know what this cost might be.

8:20 pm **Motion to Adjourn (SC) 2nd (DB) AIF**

Next Meetings: Thursday, November 17, 2016, starting at 6:00 pm;
Commission will resume work on Bylaws review starting at 6:00.
Public Hearings begin at 7:00 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*