

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, May 18, 2017

Approved July 13, 2017

Sturbridge Center Office Building, 2nd Floor

6:00 PM – Working Session Called to Order: - Commission working session to review local wetland regulation, Review of Appendices:

Members Present:

Ed Goodwin (EG) Chair

Absent: Paul Zapun (work session only)

Dave Barnicle (DB) Vice Chair

Steve Chidester (SC)

Steve Halterman (SH)

7:00 pm – Regular Meeting Called to Order/ Ed Goodwin (EG), Chairman

Quorum Check: Confirmed

Members Present:

Ed Goodwin (EG) Chair

Dave Barnicle (DB) Vice Chair

Steve Chidester (SC)

Steve Halterman (SH)

Paul Zapun (PZ)

Others Present:

Glenn Colburn (GC), Conservation Agent, Anne Renaud-Jones (clerk); Chris Predella, Gary Staab, Tom Chamberland, Jan Kanic, Larry Tuttle, Brad King, Darin Johnson, Clyde Gagnon, Frank Bicchieri, Olga Restrepo, Gary Jeznach, Pat Jeznach, Leonard Jalbert, Rob Davis, Chris McClure, David & Aleta Cane, Chase Kaitbenski, Patty Kutzman, Mark Farrell, Mike Partlow, Robin McEwan, Amy Singler

Agent: Agent GlennC wants to acknowledge a gift by William & Jocelyn Bouvier of Sturbridge: they have donated a bench to the Heins Farm property in memory of their son Steven. We installed the bench last Fall, and we have just mounted the memorial plaque (showed photos). The bench is located along the field at Heins Farm with a beautiful view.

Committee Updates:

CPA: no meeting; have been working towards purchase of Douty Road property: GC: Parks & Rec met last night: They were reviewing options for a substitute motion to allow 16 of the 221 acres of the property be set aside for active recreation: They looked at the terrain and soils on the property and found them better suited than the property at the DPW barns: Hoping to get public support at Town Meeting.

Trails Committee: No mtg to report on, but there is a work day scheduled for June 3rd, which is National Trails Day; We'll have a Ribbon Cutting at Leadmine Mountain and a full day of activities

Lakes Advisory: meeting is May 25th; they will discuss a second Boating Safety Class, and the new State Dock regulations.

Walk-ins

- Gary & Patricia Jeznach, 12 Cedar Lake Drive** to discuss recent decision of ConsCom to deny the addition of a roof in the 50' buffer zone
- Pat & Gary J came in to share additional information with the Commission and to ask for reconsideration of their previous decision:
 - PatJ: had not shared the existence of 5 drywells on the property; have just planted 4 blueberry bushes on property, and will plant more trees; She shared information of major projects at nearby waterfront abutters, and asked for clarification of how such large projects could be approved, when her project seemed so small and minor:
 - She reiterated that there is a concrete slab beneath the existing deck, making that sq footage already impervious, therefore a roof would not increase impervious surface. All roof runoff is directed to the existing drywells: and the water from this new roof will infiltrate the same as it would have if it hit the concrete slab instead... The ZBA mtg on May 17th approved the project.
 - Comm PaulZ has no issue approving this
 - Comm SteveH commented that he viewed the Commission's mission as protecting the function of the resource; he sees this as an existing structure with no further impact to the lake.
 - Gary J: we are willing to plant whatever you recommend on this site... We've worked hard with ZBA to make this lot conform as much as it can given what it was when we bought it.
 - Comm DB: Would like to know size, condition and location of the 5 dry wells
 - Chair EG asked GC how this could proceed: GC: this was a Request for Determination of Applicability: The determination was : **Negative Determination #3**: Jurisdiction is under the WPA, but will not alter an area subject to protection under the Act; and a **Positive Determination #5**; this project is subject to local Wetlands Bylaw.
 - Jeznachs will have to notify abutters and place legal notice. ConCom will review the new information and make a decision based on that information.
 - Chair EG asked for documentation of working drywells and a planting plan, and asked the Jeznach's to inquire about having the roof runoff tied into existing drywell system.
 - Gary & Pat Jeznach will get back in touch with the Commission.

Public Hearings

- 7:15 **Request for Determination of Applicability: 335 The Trail:** Robert Davis: installation of a garage including excavation of a foundation; in a riverfront area. *Continued from Feb 16, 2017.*; Rob Davis and Chase Kaitbenski presenting:
- GC: this project was continued because there was riverfront involved, and an unpermitted pool; Jalbert Engineering has measured the site and found the pool is within the 100ft buffer zone; the garage project is outside of the 100ft; Agent recommendation: Pool is outside of the RFA but there is an opportunity of revegetation of the slope with native vegetation – shrubs would be especially helpful
 - Commissioners all ok with plan as discussed:
 - Conditions will require a planting plan approved by the agent, and installation of some permanent marker at the 200ft line - such as 3 small granite pillars or similar marker.
 - **Motion to close the Public Hearing(DB) 2nd (SC) Vote: AIF;**
 - **Motion to make the following Determination (DB) 2nd (SC) : Positive Determination #5;** this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw; and a **Negative Determination #3** confirming that this project is within the buffer zone but will not alter the resource area. No Notice of Intent is needed. **Vote: AIF**
- 7:30 **Notice of Intent: DEP #300-981: 186 New Boston Road:** Joseph Boutiette; represented by Green Hill Engineering; Driveway construction in the Riverfront Resource Area and Bordering Vegetated Wetlands, and construction of a single family home in the 200' buffer zone. Continued from March 2, 2017. *Continued to June 1st at the request of the applicant.*

- 7:45 **Notice of Intent: DEP #300-992. 61 Shepard Road**, Joel & Christine Bourbeau. Replacement of a septic system in the buffer zone. Representative: Green Hill Engineering. Mark Farrell (MF) presented Legal Notice tearsheet and certified abutters list: The location we are looking at was chosen to maximize the distance from the well This is a raised system; 1500 gal; There is a BVW behind the house; we'll use wattles for erosion controls Other areas on site have extensive ledge; only viable option -- GC: there is a large oak tree; you'll need to mark the drip edge of that tree and work to do as little damage as possible to that root system: MF suggested they may be able to work the phasing of the project to minimize the traffic in that specific area....
-- Motion (DB), 2nd (SC) to close the Public Hearing and issue an Order of Conditions with special instructions to protect that oak tree. Vote: AIF
- 8:00 Request for Determination of Applicability, 376 Main Street, Yankee Spirits. Resurfacing of a parking lot in the buffer zone. Representative: ML Partlow & Son Paving. Mike Partlow presenting: Parking lot has 3 different areas we will be working on: Section A behind Sturbridge Seafood will be an overlay onto existing asphalt; the old berm is gone, and will be replaced the existing catchbasins will be cleaned out; Sections B&C will be excavated and resurfaced, with repairs done to the berms and catchbasins... Snow storage is included in the plan... There is no outside grease trap at this site. Agent would like the cleaning of the catch basins and the inspection of the berms on an Operations & Maintenance Plan so these are addressed 2 times per year - Erosion controls need to include protection of all drop inlets and catch basins with silt socks.... Don't see need for protection on Section A; SH: how will you deal with the broken pieces of the old berm? You WILL need protection there... Staked 12 inch socks would work in that location; then hand-pick the broken pieces off that slope
Motion (DB) 2nd (SC): To close this public hearing, and approve the plan as presented with the following determination: Positive determination #5 confirming that the project is subject to the Sturbridge Town 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. Special conditions will be added regarding removal of the broken asphalt curbing and requesting an Operations and Maintenance Plan. **Vote: AIF**
- 8:15 **Notice of Intent: DEP #300-tbd; 127A Stallion Hill Road.** Sturbridge Trails Committee request to relocate 825' of the Mt. Laurel trail and construct 1 bridge and 2 bog bridges on Leadmine Mountain Conservation Area at
 -- Gary Staab and Tom Chamberland presenting: The original trail went onto the OSV property; At bottom of the hill is a 12inch steam and further up a large boulder ; another area is rutted from the logging operation - We'll be doing a 30ft bog bridge along here...
 -- Trails Comm will shift the trail to Town-owned conservation land. New bridge will be built for the stream crossing. All work is in the buffer zone. No work to be done on the bank or on Land Underwater. Second crossing is a boulder-strewn bwv; Will span this area with a similar bridge structure. The third crossing is a water drainage that was rutted during tornado recovery cleanup. The water course will be restored and the new streambed will be bridged.
 -- Agent: can't close the Public Hearing due to lack of DEP number; we'll continue to June 1st: no need for people to return; *Continued to June 1, 2017*
- 8:30 **Request for Determination of Applicability, 450A Main Street**, Crescent Gate Condominiums. Installation of an irrigation well in the buffer zone. Representative Babe's Lawn Care.
 -- Len Jalbert, Chris Predella presenting: LJ presented legal notice and abutter notification documents; LJ: this site is behind Building#7, and is for irrigation purposes only: The property is on town water; The well ties into the system from inside the building in the basement;
Motion (DB) 2nd (SC): To close this public hearing, and approve the plan as presented with the following determination: Positive determination #5 confirming that the project is subject to the Sturbridge Town 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**

- 8:45 **Notice of Intent: DEP #300-991. 187 Shepard Road**, Estate of Gloria Kania. Repair of a septic system in the buffer zone. Representative: Green Hill Engineering. Mark Farrell presenting: Submitted required documents of Legal Notice and Abutter Notifications: This is an old house with an old 1950s tank; owner is preparing to sell; have already drilled a new well; septic location chosen because of ledge on property; other areas have more larger trees- would be grater disturbance; 60ft from wetlands to corner of the leach field; system is a raised system, some grading, will use straw wattles. **Motion (SH) 2nd(DB); To close this public hearing, approve this plan, and issue an order of conditions; no special conditions. Vote: AIF**
- 9:00 **Notice of Intent – DEP#300-990: Old Sturbridge, Inc; 1 OSV Road:** Site development and stormwater management controls related to construction of a charter school. Represented by Bertin Engineering. *Continued from May 4, 2017 due to absence of DEP number:* Frank Bicchieri present; DEP comment requested us to change the planned Norway Maple; no other concerns; Commission had no further questions.
-- Motion (DB) Tp close the public Hearing, approve this project, and issue an Order of Conditions; 2nd: SC; Vote: AIF
- 9:15 **Notice of Intent; DEP #300-989; Old Sturbridge Village.** Construction of a temporary stage and bleachers in the Riverfront Area. *Continued from May 4, 2017;* Frank Bicchieri and Darin Johnson – FB: We’ve rec’d comments from Natural Heritage; Project will not impact a state-listed species; DB: aeration of the site will be a condition: FB: recommends spikes for this site; all agree; **Motion (DB) to close the Public Hearing, approve this project and issue an Order of Conditions; 2nd (SH) Vote: AIF**
- 9:30 **Notice of Intent: DEP#300-993; Ecological Restoration: Hamant Brook Restoration Project;** Town of Sturbridge in partnership with Mass Div. of Fisheries and Wildlife, and American Rivers. *Continued from May 4, 2017 due to absence of DEP number;* Robin McEwan and ASingler present: -- DB will you be responsible for notifying us of your efforts towards seeking funding to continue with the culvert replacement? ASingler: yes; current focus is getting dam removal work done; but we researching our options to fund the culvert replacement.....
 -- DB: we don’t want the state to abandon this part of the project...
 -- SC is there a Plan B to get trout up into the system if culvert funding doesn’t come thru...?. RMcEwan: there is not a concrete Plan B at this time, but alternatives are being considered: a fish passage or ramp through the concourse there, but costs make this plan less than ideal; Robin: good to remember that even without this piece of the overall project done, there are significant benefits being derived from the removal of these dams and restoring a free-flowing stream. It is our position that the culvert replacement is by far the best solution, so we are really holding out to see if we can get funding for that effort, and not quite ready to embrace less effective means. - EG asked about trout stocking: ASingler: there is no plan for stocking; wild trout are already breeding in the upper stretch of the Hamant Brook. - - **Motion (DB) to close the Public Hearing, approve this project and issue an Order of Conditions; 2nd SC; Vote: AIF**
 - Agent note: Since we have never done this before, I have asked Robin to provide us with samples of Orders of Conditions from other similar projects

Letter Permits

57 Arnold Road, Jay Gallant. Second floor addition and new entry portico in the 200’ buffer zone. Agent: I advised Mr Gallant to submit this as a Letter Permit because it is such a small project – about 180 feet from the water. They are removing the roof, going up one story, and creating a small entry portico. **APPROVED by consensus. AIF**

202 Lake Road, Wendy Stearns. 5 trees; *Continued for planting plan.*

Old business

DB: There was a meeting of the Trails Committee with Leon (Gaumond) today (with GC) and we need to start the Notice of Intent paperwork for the Beaver Deceiver - Can Glenn assist with this?

GC: won't be able to touch it for several weeks... DB: Northern Tree is still planning to take down 2 trees;

GC: There will need to be 3 Notices of Intent filed; I will email this list to Trails Committee

- 1) Beaver Deceiver,
- 2) 7 Ridges Trail work , and
- 3) Riverlands parking area works

Enforcement

DEP#300-451, D. Aho. 63 Beach; Work to bring project into compliance with the Order of Conditions. -- Current owner David Cane: While inspecting this property for a Certificate of Compliance, Agent found area of unpermitted concrete patio. Commission is requiring removal of concrete patio and native vegetation of area in the 25 foot zone.

-- Len Jalbert presenting: Quick summary of background: this project came to the Commission seeking a Certificate of Compliance for an old landscaping/patio permit. Upon inspection, it was discovered to have a large unpermitted concrete patio. Commission proposed concrete patio be completely removed and suitable native vegetation planted within 25 foot zone.

-- Mr Cane would like to replace the concrete pad with a patio of pervious pavers: erosion controls will include sandbags along the retaining wall; plantings will be in 2 areas: Will install an 8ft fence for privacy (raised to require 6-in clearance); Agent suggested white pine and/or clump of river birch, with possible shrubs under the trees; asked for some other ground cover than pachysandra...

LJ showed a series of pictures to those commissioners who had not seen the site: all were OK with not making a site visit: Commission grants approval of this plan. **CONSENSUS. AIF**

Minor Amendments to Orders of Conditions

- DEP #300-948, Patricia Kritzman. Modifications to house footprint. Larry Tuttle and Patricia Kritzman present: Larry Tuttle speaking for Ms Kritzman: Have modified the approve planned; primary change is a net decrease within the 50' zone; have reduced footprint by 523sqft; balance of changes are outside the 50'.

Motion: (DB) to approve the minor changes to this plan as presented 2nd (SC); Vote: AIF

- DEP #300-978, Yervant Realty. 413 & 419 Main Street (Jimmy D's) Permission to remove a large tree as part of paving operation; concern that roots will pull up pavement; and that tree will not survive; Discussion about the ability to save the tree; They will replant with a sugar maple; Consensus to allow tree to be removed. **Motion: (DB) to approve this tree removal 2nd (SC); Vote: AIF**

Agent Report

70 Westwood : Several people on the lake have asked about the appearance of a new shed on the parcel at 70 Westwood, which is a vacant lot. Agent spoke with the owner, Josh Wages who lives in Worcester; he has placed an 8x10ft shed on the property for his boating/kayaking equipment; We spoke on the phone; He was very cooperative; Asked him to make sure it was outside the 50', and asked him to file "after the fact." He cut no trees, and was careful about location; SH lives next door and did go see it; it's on blocks; couldn't tell if pre-built.

St. Anne's Cemetery on Arnold Road: Reached out to caretaker at cemetery in response to a complaint about dumping; Visited this site today; at the entrance from Arnold Road there is a small

perennial stream where someone has been dumping brush and lawn clippings; I believe it is not cemetery-related. I will write a letter to a neighbor that I suspect is the violator and hope it will stop;

August Commission Meeting Schedule: There is a conflict in our previous plan to have our August meeting on August 10th. Request to reschedule it to Thursday August 17th.

- All agree to August 17th meeting date .

Signatures:

Special Land Use Permit for the Girl Scouts / Fairy Villages on Heins Farm Property; **SIGNED**

Order of Conditions: DEP #300-984; 36 Warren Road; **SIGNED**

Order of Conditions: DEP #300-985; 38 Warren Road; **SIGNED**

Order of Conditions: DEP #300-983; MassDOT work on Rt 20 and I-84 intersection; **SIGNED**

Approval of minutes:

- Review minutes of 4/20/17: **Motion (DB) 2nd (SC) to APPROVE as submitted. Vote: AIF**
- Review minutes of 5/4/17: **Motion (DB) to APPROVE minutes with an amendment to include commitment of contractor to aerate the area at the completion of the project. 2nd (SC) Vote: AIF**

Adjourn 9:40 Motion to Adjourn (SC); 2nd (DB) Vote: AIF

Next Meeting: Thursday, June 1, 2017, 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