

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

**Thursday, January 21, 2017**

*Approved Feb 2, 2017*

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

**Mtg Called to Order:** 6:00 Chairman Ed Goodwin  
The Commissioners' working session for continued review of the Bylaws;  
continued review of Chapter 4 regarding enforcement issues.  
Present: Ed Goodwin, David Barnicle, Steve Halterman and Paul Zapun.  
Steve Chidester was absent for this portion of the meeting.  
Also present: GColburn (staff), ARenaud-Jones (staff)  
Finished Bylaw work: 6:55

**Regular Mtg Called to Order: 7:00 pm**

**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: Josh Roy, Michael Ditarando, Leonard Jalbert, Karl  
& Joanne Nye, Frances O'Connell, Ed St. John, Ralph Nichols, Jason Dubois, Pat & Joe  
Wandolowski, Suzanne Brozek, Josh Cottone, Ethan Hillman, Mark Farrell, John Stevens

**Winter Tree Scavenger Hunt:** Agent Glenn Colburn chose a name at random from the participants in our Annul Tree  
Hunt at Heins Farm. The winner chosen was Lucas Vilandre, who is 8 years old. He will  
receive a subscription to Ranger Rick magazine, a copy of the Mass Wildlife publication  
"Critters" and a Chickadee birdhouse.

**Committee Updates:**

**CPA:** EG: Perspective buyers of Barret Farm came to CPA to share the proposed plans for the property:  
the plans included 25 7-acre lots with horse trails all around, including connections into The Heins Farm  
and Fish&Wildlife property trails.

**Trails Committee:** no report given

**Lakes Advisory Committee -** no report given.

**Walk-in** Joshua Roy, 226 Roy Rd is appearing to discuss his need to shift house location due to soil conditions  
discovered during excavation for the foundation. Mr. Roy was present with an engineered drawing of his  
site, showing proposed new location for his house. Change is due to encountering some unsuitable and  
unstable soils while excavating foundation work, Mr. Roy is requesting approval of shift in location: the  
new location is 15ft further away from the bordering vegetated wetlands. Agent has visited the site and  
agrees with the soils finding. Commission CONSENSUS to approve this revision. 4:0; EG abstained. The  
Commission is requesting an As-Built plan upon completion of this project.

**Letter Permit -- 98 Paradise Lane, Michael Ditarando. Tree removal, 4 trees**

Agent: Planting plan was received by Ganesh Tree for Commission review, showing sugar maples and  
Japanese stewartia near the shore, and additional trees towards the back of the property...  
Commission discussed some concern about age and size of trees being removed, and requested attempts to  
fit more replacement trees into the property. Commission agreed to request 8 replacement trees to be  
planted in the spring, and an additional 4 trees at a later time when work on the adjacent property is done.  
**APPROVED Vote AIF (5:0)**

**27 Breakneck Rd, John Stevens.** Tree removal, 22 trees

(see 8:45 Hearing below for Notice of Intent #300-976; tree removal now combined into NOI process )

**Public Hearings**

7:15 **Notice of Intent, DEP #300-974, 4 Birch Street, Karl & Joanne Nye.** Construction of a single family home with dock and beach. Represented by Jalbert Engineering; LJalbert presented legal ad tearsheet, proof of mailing and certified abutters list...; LJ presented revised plan showing a change in the location of the beach and dock area; they are now adjacent to each other; LJ: project is new construction of a SFH, size is 5000 sqft; includes a 2-story garage about 650 sqft; some trees are within the footprint of the house and the project could not be configured to save their root zone, Brush will be removed from the building site to the 25ft ; 2 trees at the dock site are 14in and 34in pines – they are outside the 25ft zone; Access is off of Birch Street; Dock is removable dock; pad is concrete: 5ft wide x9ft long; flush with ground; zero displacement...  
 -- House is single-family single-story with a deck and patio in the southeast corner; drainage from the roof goes to a dry well at the northwest and southeast corners; House is 78ft from corner of the deck to the lake; Can't move the house back to the 100ft line because of the power line easement; Utility easement requires an additional 8-10 feet beyond easement line with a no-building requirement; Property will be serviced by a private well and public sewer – E2 pump located north of garage...  
 -- Landscaping has no formal plan yet... JN: we do not intend to clear this lot, we want substantial plantings but need more completion to visualize how/what/where to plant  
 -- Agent: DEP comments – confirms that you need Chapter 91 license for the dock; that goes thru Stur BOS (Harbormaster); Suggest serious conversation w Landscaper regarding protecting root zones of the remaining trees- they are large and important... Root zone extends to the drip edge of the canopy; If this project gets phased, be cautious of erosion controls - any stockpile of soils should be tarped  
 -- Commission comments: Would like documentation from Nat'l Grid of the 10ft no build zone documented; DB: expressed concern about the slope: Comm would like more detailed planting plan, including substantial trees, meeting tree replacement policy and intent for site to be more “wildlife friendly”.

7:30 **Notice of Intent, DEP #300-tbd, 8 Birch Street, Otis Land Mgmt, Ralph Nichols.**  
 Represented by DC Engineering; Jason DuBois; Replacement of mobile homes, shoreline wall repairs, paving driveway and parking lot, and installation of storm drains. *Continued from December 1, 2016.*  
 Presented revised plan: JD: Revisions to the stormwater control system include the addition of a peastone infiltration trench, additional stone drip lines along new trailers; Data used for stormwater management was 100year storm /24hours; Driveway will be paved, with 6inch berm at the bottom; . Planted areas will include arbor vitae, winterberry, and birch, and red maple  
 Agent comments: Is there an Operations and Maintenance Plan? **(JD yes);**  
 -Are you expanding the upper parking lot? **(JD: No)**  
 -Agent suggests rock-lined infiltration trench between slope and driveway, and the addition of grassy swales along the driveway JD: the slope is too steep to install swales along the driveway.....  
 -GC: Plan shows easement, but the deed looks like it is in a different location- on Lot #3; You will need to confirm where that easement is... JD presented deed: discovered difference in book and plan numbers; Applicant will research and clarify correct information.  
 -GC would like to see detail of the planned pervious walkway  
 -GC: drywell at testpit#1 looks too close to the property line: please double check and insure overflow does not flow to neighbor...  
 -- Commission concerns: Concerns expressed about trailers 7 & 8 being replaced by larger trailers, but they are no closer to water than existing units; they are in the 25-50ft zone; ...Discussion was had regarding plantings along the shoreline: EG expressed need to plant a 25ft buffer from the shore (shrubs, etc), and to restrict “beach” to 18ft.... Commission then discussed the regulations which apply to this water front: There is a regulation which protects undisturbed bank by limiting disturbance to the 10% of total frontage OR 50 feet – whichever is less .... But this site is a highly disturbed site; we cannot hold Mr Nichols to that limitation....

**Public Comments:**

Resident James Wilson or 12 Birch Street: has lived there 30 years, the park was beautiful when I came here; has become dilapidated; He supports Mr. Nichols efforts 100%;

Resident Pat Wandolowski: expressed great concern about what will be done at the head of the driveway, since the residents further down the road receive runoff when water is directed away from driveways and forced down the road: RNichols replied that he will follow recommendations of DPW and install an asphalt apron: PW: asked if plan was to replace all single trailers with double wide trailers?

RN: No, this NOI filing is addressing only the 3 trailers indicated: Future plans are unknown because current residents cannot be disturbed: PW: expressed concerns about the number of docks which may be installed: was advised that docks are not under jurisdiction of this Commission;

Resident Frances O'Connell of 100 Westwood Drive: Asked about removal of large junkpile: RH confirmed it would be removed: FO asked for clarification of some item locations on the plan shown, and was shown relevant information.

Agent inquired about DEP# for this project: JasonDuBois stated he spoke to DEP on Jan 11th, and was told the project is in the system; it should be forthcoming.

**Applicant requested a continuance to the next meeting, February 2nd. GRANTED AIF**

- 7:45 **Notice of Intent, DEP#300-972, 3 Ladd Road, Robert Briggs.** Landscaping in the buffer zone. Continued from November 3, 2016; Commission last discussed this project on November 17, 2016, but final approval was held up by lack of DEP number, which has now been received.  
**Motion DB: to Close the Public Hearing, approve the plan as presented on November 17, 2016 and issue an Order of Conditions. 2nd SH: VOTE: AIF**
- 8:00 **Notice of Intent, DEP#300-959, 9 Holland Road,** Richard DiBonaventura, represented by Paquette Builders. Culvert repair and site stabilization in the riverfront area. Waiting to hear from NH&ESP. Continued from July 21, 2016. Paquette Builders was unable to attend this meeting; and requested a continuance to the next meeting, February 2nd. Agent has received report from Natural Heritage; report expresses several concerns; Agent will share details at next meeting when Mr. Paquette is present. **Continuance was GRANTED AIF**
- 8:15 **Notice of Intent: DEP#300-973; 175 Podunk Road;** Ethan & Erica Hillman; construction of a single family home in the buffer zone. Represented by EcoTec: Scott Morrison present: Documentation received for legal ad, certified abutters list and proof of mailings. SM presenting: this project is new SFH, garage underneath, building location is outside 50ft. Proposed well and septic are within 200ft. Bordering vegetated wetland at back of property AGENT GC: site visit had 5inches of snow; could see flags, but difficult to see the wetland line; thought it was at break of slope instead of where marked.... SM: did soils testing; report is included w NOI; GC: because the work line goes right down to the 25ft line, we need wetland line to be sure.  
-- Commission expressed concern with the amount of fill being used inside the 25ft buffer:  
-- SMorrison: House location determined by restrictions of all setbacks and location of the driveway; Trying to move to higher ground increase site disturbance overall; disturbs more vegetation, would need installation of a retaining wall.. Owner would like lot to be wooded as much as possible; Our intent is to make the disturbance of the site as compact as possible:  
- Commission discussed another site visit to review wetland delineation now that snow will be gone..  
-- **Applicant requests continuance to next meeting, February 2nd. Continuance was GRANTED AIF**
- 8:30 **Request for Determination; Thomas Banas; 231 Brookfield Road;** Repair of a septic system in the buffer zone: representative Green Hill Engineering; Mark Farrell presenting: Mr. Banas is preparing to sell this property and the septic system has failed Title IV; new system is inground Presby system, it cannot be in the same location due to well location; new proposed location is 105ft from the well; a few trees are lost for the leach field, but site is well treed overall.- Agent GC: need to protect stockpiled soils  
Motion (DB) to close the public hearing and issue a determination: **APPROVED Vote AIF; Determination: Positive determination #5 confirming that the project is subject to the Sturbridge Wetland Bylaws, and a Negative Determination #1, confirming that the area described in the Request is not an area subject to protection under the Act or the Buffer Zone**
- 8:45 **Notice of Intent; DEP #300-976; John M. Stevens: 27 Breakneck Road;** Repair of a septic system in a riverfront area, and replace deck with farmers porch: representative Green Hill Engineering; Mark Farrell presenting: This property was bought at auction and is in a state of disrepair; chainlink fencing rambles through the wetland.... New Presby system location will be on higher ground – a 1500 gallon tank; will be pumped uphill to the new leach field; This whole site is within the riverfront area; we've pushed the system as far away from the stream as we could... This work will include the following: installation of new septic; replace deck with porch; removal of overgrown yews on the slope; removal of 22 trees; and removal of chainlink fencing...  
-- Agent GC: Comments from DEP requesting the tree removal to be added to this NOI (22 trees that were filed under a Tree Removal permit request) New expansion of the deck is in the 25ft buffer- that doesn't meet our regulations... at site visit, I saw some reeds and rush... We should re-examine that wetland line....

Would like plan to show existing disturbed area and the natural tree canopy; Need to place erosion controls as close as possible to the work; Commission comments: suggest drip strips be installed; telephone poles on plan would be helpful for reference;

-- **Requests continuance to next meeting, February 2nd. Continuance was GRANTED** (DB abstained )

9:00 **Notice of Intent; DEP #300-977; 279 Holland Road; Stevens Construction;** John Stevens; Construction of a single family home in the buffer zone; representative Green Hill Engineering; Mark Farrell and John Stevens presenting: This site is almost 5 acres, has large pond...Proposal is to build new SFH, with drilled well, septic and driveway installations; driveway location determined by regulations regarding its slope; house has drive-under garage; house is outside the 100ft buffer; driveway will be canted to direct flow away from wetlands... downhill side of driveway will also be mulched...

Agent Comments: recommend stump grindings along driveway instead of wood mulch if available...

Commission comments: erosion controls are critical throughout project; DB suggesting eco-fabric underneath mulch

**Motion (DB) 2nd (SH): to close the Public Hearing, approve the plan as presented, and issue an Order of Conditions. VOTE: Approved AIF**

### New Business

- **Hamilton Rod & Gun Club.** Use of Plimpton Community Forest for the R100 3D archery shoot. June 24, 2017; DB Motion to approve; SH 2nd: **APPROVED AIF**
- **Orders of Conditions for Lake Associations Water Management Plans**
  - DEP #300-727, Big Alum Lake Association requesting 3-year extension to OOC.
  - DEP #300-734, Quacumquasit Lake Association requesting 3-year extension to OOC.Commission had questions regarding the level of drawdown stated on the original OOC: decision to postpone the conversation until next meeting (February 2) while that information is researched.
- **MACC Annual Conference Registration is open:** Date is Saturday, March 4th; Commissioners were given registration papers and course listings, to be returned at out next meeting.

### Signatures

Requests for Certificate of Compliance

- SIGNED CoC: DEP #300-952, Tantasqua Regional H.S. artificial turf project
- SIGNED CoC: DEP #300-865, Sturbridge Retirement Co-op. Remove buried stumps and replace two trailers with one dbl wide trailer.

Minor Amendments to Orders of Conditions

- **APPROVED:** DEP #300-964, 226 Roy Road, Joshua Roy.  
Shift location of house to avoid unsuitable soils. (see Walk in)

### Approval of minutes of December 1, 2016

**MOTION (DB) 2nd (SC):** to approve minutes from December 1st Meeting as written:

**APPROVED 3:0** (Halterman and Zapun absent at Dec 1st Meeting; abstained)

### Motion to Adjourn

**10:25 pm** -- Motion (DB) to adjourn the meeting; SC (2nd); Vote: AIF

**Next Meetings:** Thursday, February 2, 2017, with a Bylaw Regulation working session starting at 6:00 pm,  
Regular Meeting to begin at 7:00.

*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*