

Sturbridge Conservation Commission
TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION
Thursday, September 15, 2016
approved 10/6/2016
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: AJ Comerford, Len Jalbert,
Gary Staab. Paul Watson, Norman Stuart, Michelle Stuart, Dan
Pelissier, Bryan Hill, Bruce Gran, Larry Tuttle, Tom Chamberland,
Brandon Goodwin

Committee Updates:

CPA: no meeting has been held;

Trails Committee: Saturday Sept 17, Trails will be finishing up the Nature Trail at Burgess Elementary School.

Lakes Advisory Committee: Tonight's mtg agenda is their planning of fall/winter projects.

Walk-in Joel Casaubon, Big Alum Lake Association: came in to present concerns of the Assoc regarding the sale of properties 69 Paradise and 280 Brookfield Rd, which are slated for the Town's land auction on Sept 20th. The resident have expressed grave concern at the possibility of this land being bought and developed; they feel the site is environmentally critical to the health of the lake. Commission responded that they will submit an urgent letter of concern to the BOS and Town Administrator, requesting a postponement of the sale until research can be done on possible pollutants.

Public Hearings

- 6:15 Notice of Intent, DEP#300-960, 244 Big Alum Road, Ken Tietgen. Repairs and improvements to shoreline retaining wall. **This Notice of Intent is being withdrawn due to change of scope; repairs will now be minor hand-done work.**
- 6:30 **Request for Determination of Applicability;** OFS (Optical Fiber Solutions), 50 Hall Road: for digging a trench for the installation of electrical conduit, in the buffer zone. Paul Watson presenting: Abutter notifications and legal ad tear sheets were submitted; work area is between 25-50ft bufferzone; Need is for a trench for electrical conduit; 10ft long x 1ft deep; all soils will be backfilled; **Motion (DB) 2nd (SH): to close the public hearing, and approve the project as presented, with the following determination:** 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 (4:0)**

- 6:45 **Notice of Intent, DEP#300-967, 13 Long Avenue, Norman Stuart; represented by Land Planning Inc, Bryan Hill; installing riprap along the shoreline; Bryan Hill presenting: Repairs to a deteriorating concrete block retaining wall; Proposal is to add riprap in front of existing wall (lakeside) to armor the wall and diminish destructive effect of wave action; 6+, 5lb+ rocks, for 60ft length of shoreline; toe of rock slope 4 to 6ft maximum into the lake, approx. 3 ft high at wall; Commission expressed concern about this action be a “filling of the lake”, which is prohibited. Some discussion was had about the rocks being a habitat and not harmful; Commission strongly suggested a traditional repointing/repair of the wall; Michelle Stuart spoke on behalf of her father (property owner Norman Stuart) and advised the Commission that the existing wall was only 16 years old; that they had spoken with the original landscaper who built the wall; and that this product was deteriorating much faster than it should; that a repair with concrete would not hold because the base blocks were crumbling; ... **Motion (SH) 2nd (DB): to close the public hearing, approve the project as presented, and issue an Order of Conditions. Vote: (3:1) EGoodwin dissenting. APPROVED****
- 7:00 **Notice of Intent, DEP #300-966, 7 Long Avenue, Robert & Patricia Sullivan; Continued from September 1st.** Construction of new paved driveway, location of drilled well, and related landscaping. Len Jalbert representing the Sullivans: Summary: project entails the construction of a new driveway to replace the current arrangement which entail access through a neighbors right-of-way. At prior meeting, commission expressed concern about number of trees being taken, possibility of increased runoff from driveway, and the old access route remaining vulnerable to illegal trespassers and vandalism..... Revised plan includes a reduction in the side slopes of the driveway from 3:1 to 2:1 to lessen disturbed area, 3 less trees are being taken in this area, and a change where the old “driveway” is: this area will now be loamed and seeded, and planted with trees, so that the area no longer appears as a “road”... Agent: agrees with changes; erosion controls will still be critical, including monitoring Commissioners discussed an appointed Erosion Controls Monitor, and a weekly report; felt old driveway area will be very compacted soil; suggested use of an arborist to insure new trees will thrive. **Motion (SC) 2nd (DB): to close the public hearing, approve the project as amended, and issue an Order of Conditions. Vote: AIF APPROVED**
- 7:15 **Request for Amended Order of Conditions; DEP #300-922, 136 Lake Road; Bruce Gran & Beverly Litchfield; Changing the footprint of approved house plans; within the buffer zone. Continued from September 1st– Len Jalbert, Jalbert Engineering and Larry Tuttle, Architectural Insights, presenting: Change since last meeting is the move of the landing area on Bldg#1 (garage) from the west-facing side to south side of the building: size is still 6.75x12.5ft; Revision 9, dated 9.15.16. Plan also shows increase in size of the deck on Bldg #2. Deck is further from the water than original structure. **Motion (SC) 2nd (DB): to close the public hearing, approve the project as amended, and issue an Amended Order of Conditions. Vote: 3:1; EG dissenting: Commission requests final clean plan to be filed, eliminating previous layers, and showing only plan being built. APPROVED****

7:30

Notice of Intent, DEP#300-959, 9 Holland Road, Culvert repair in the riverfront area. *Continued from July 21, 2016.* Richard DiBonaventura, represented by Paquette Builders. Waiting to hear from NH&ESP. No one present at tonight's meeting to address the Commission. **Continued to October 6, 2016.**

Agent report: Call to Natural Heritage on Sept. 13th confirmed they have not received this filing: Enforcement Order has been sent out, with a deadline for repair of the culvert and submission of NOI to Natural Heritage set at Sept 15th. Agent has spoken to EdPaquette; culvert should be finished by Monday, Sept 19; If repair not done, agent recommends issuing fines. **Motion (SC) 2nd (DB): to begin daily fines as of Monday, Sept 19th in accordance with Sturbridge bylaws. Vote: 4:0.**

Letter Permits

Tree Removal: 48 South Shore Drive; Derek Belisle; 10 trees; Trees were not marked at site visit; Commission agreed that 1 large pine near house looked healthy and should stay, but other trees can be designated approved for removal at the discretion of the Agent upon new visit. **APPROVED.**

Tree Removal: 128 Lane 10: Dan Pelissier; approx. 50 trees; all red pines, dead and/or dying; replanting will take place appropriate to the slope; Arborist report was submitted; appropriate replanting species were discussed; concern was expressed about potential damage during cutting; Pelissier assures that precautions will be taken. Once cutting takes place and replanting plan is established. Commission would like to see the proposed replanting plan. **APPROVED.**

Tree Removal: 23 Hall Road; Laurence Hobbes; 17 trees; Site was visited; no replanting was recommended; discussion onsite was that those dead trees NOT threatening the building would stay in place as habitat **APPROVED.**

Tree Removal, 17 Bennetts Road, Kritzman, T.Chamberland,

This property was recently approved by ConsCom for a raze/rebuild of a SFH; no tree removal was discussed in that process, so this is being discussed as part of the landscaping plan:

-- 9 small screening hemlocks in varying degrees of decline from HWA; replace with 5 new Arbor Vitae; -- 4 large trees: 1 30in Oak (twin stems), near leach field, serious threat from roots; replacement 3 winterberry shrubs.... -- 1 20in white ash near lakefront in distress, losing its bark: replacement 3 new red maples 2 dead hemlocks along road,; -- 4 med trees: 3 6-8 inch dead hemlocks; 1 storm damaged 6in twin stem red maple **APPROVED**

Enforcement

- 460 Leadmine Road, John Stevens. Progress report due. Restoration work was to be completed by August 11th. Restoration work is in progress. Lengthy commission discussion about seriousness of this violation, and how to proceed in order to send strong messages
 - 1) Stevens has committed several distinct violations: failure to obtain a permit for work in a bordering vegetated wetland; alteration of a bordering vegetated wetland (approx. 4200sqft); placement of fill in a bordering vegetated wetland; approx 3200sqft of fill; and alteration of a stream.
 - 2) SCC wants to send strong messages of deterrence from the town, and specifically to

construction companies, that illegal dumping of construction debris will not be tolerated, and has serious financial consequences.

Halterman shared substantial research of similar violations and fines issued by DEP in other Massachusetts towns and their dollar values; It was agreed by all Commissioners that the CC must review this info and establish a violation structure for this scenario which works within our bylaw guidelines, and establishes a baseline for these more serious acts (which Sturbridge has not had to address before): EG suggested a conversation with town Counsel to confirm that SCC has the authority to act in this manner, and suggested Commissioner Halterman be included in the conversation, due to his prior experience with DEP.

- 8 Birch Street, Richard DiBonaventura. Work in the buffer zone without permits. Agent to discuss with Town Administrator regarding issuing tickets/fines, due to change in ownership of the property.
- 9 Holland Road. Work in the Riverfront Resource Area without permits. Commission voted to begin issuing fines if culvert repair work is not completed by September 19th. *See 7:30 DEP #300-959 conversation.*
- 3 Ladd Road, Robert Briggs. Work in the buffer zone without permit. Notice of Intent hearing scheduled for October 6th. Agent: erosion controls have been installed and are stable. A Notice of Intent has been filed, and is on the agenda for October 6th- and will include planting and landscaping plans. -- Commissioners commented that this project is also a case of multiple violations: and that further discussion should be had concerning appropriate enforcement actions, which may include fines.

Old Business:

Trails Committee: Brandon Goodwin, Gary Staab, Tom Chamberland to discuss upcoming Trails Projects:

-- **Notice of Intent 127 Leadmine Rd** has been submitted and is on the agenda for October 6 ConsComm Meeting; discussion regarding confirmation of specifications for the 3 crossings involved in this NOI – along with bridge specs; Agent is reviewing NOI and sees some needed edits before this is sent to DEP;

-- **Regarding Riverlands work:** Committee presented site map showing locations of planned trails and some culverts. Committee is looking to start trail work (now or in the spring) Agent comment: This area does include some BVW (bordering vegetated wetlands), and a significant vernal pool that need to be worked around... Agent suggests handling all this work as one Notice of Intent, and strongly suggest bringing a qualified engineer on board because of its complexity. Engineered plans would be helpful through the process because some of this work will go out for bid.... Discussion was also had about need for approval from Opacum Land Trust. Our agreement provides a 45-day review for OLT; suggest inviting OLT to a site walk to start the discussion.

-- **Plimpton trails:** TC: We are exploring the use of an SCA team next summer (Student Conservation Association) to do some of this trails work: their fees have been reduced and may be within our budget.. We have had discussion with JellyStone Park ; they have offered to house an SCA team for a period of 2 weeks next summer. Trails Committee still needs to develop an official proposal for the Plimpton property (to Conservation and Opacum LT). Trails also intends to contact Hamilton Rod & Gun Club to address previous discussion of possible trails links between the adjacent properties.

- **Leadmine Kiosk:** Agent asked if Trails would consider taking on the Kiosk project for the lower Leadmine trail head. Discussion was had re the unknown schedule of the logging

operation in that area, which will be initiated by Fish&Game. IF logging will not happen in next few years, TrailsComm could proceed with the building of the parking lot at that site. If F&G's logging is planned sooner, the parking lot "site" will be used as the logging staging area.

Correspondence:

Agent has received a notification from Big Alum Lake Association that their drawdown date will be November 1st.

Signatures:

- Signed: Certificate of Compliance: 42 Beach Ave; part of the Mountain Brook resurfacing project at Long Ave: this is for 1 parcel
- Signed: Order of Conditions: #300-957, 6 Birch Street, James Rowe; retaining wall repair during drawdown
- Signed: Order of Conditions: #300-964, 226 Roy Road, Josh Roy: Raze and Rebuild SFH;
- Signed: Order of Conditions: #300-961, 67 Bennetts, Charles Quinby; landscaping and patio install
- Signed: Order of Conditions: #300-965, 124 Leadmine Lane, Thomas Cerny; septic system repair

Adjournment: 9:50 pm: Motion to Adjourn: (SH) 2nd (DB): Vote: 4:0 AIF