

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

**Thursday, February 2, 2017**

*Approved March 16, 2017*

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

Originally scheduled 6:00 working session for wetland bylaw review was cancelled this evening.

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

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  
Cheyenne Linnell, Jeff Linnell, Donald Frydryk, Scott Morrison, Olga Restrepo, Arthur Babson,  
Karl Nye, Pat Wondolowki, Joe Wondowloski, Ralph Nichols, Jason DuBois, Leonard Jalbert,  
Chris McClure

Summer Meeting Schedule agreed upon by Commissioners:

July	Thursday, July 13th
August	Thursday August 10th
September	Thursday, September 14th

Committee Updates: CPA: EG: CPA has not met,

Trails Committee: DB: Have submitted our 2016 Report to the Town Administrator, our next meeting is next week; --- Beavers are raising hell at Heins Farm; would like Commission to do site visit ; would like to explore the possibility of installing a 12in pipe to control water level in pond, when up, it floods the bench; it would not drain pond, just maintain water level and maintain the viewing level; Commission agreed to put on an upcoming site visit when there is flowing water;

Lakes Advisory Committee: GC: rec'd email from SLAC that their Boat Safety Course is filling quickly; April 29th at The Host

Walk-ins NONE

Public Hearings

**7:15 Request for Determination of Applicability: 26 Long Ave**, applicant: Mohawk Unlimited, engineer Sherman & Frydryk; Raze and rebuild of SFH in the buffer zone. Documents submitted: Tear sheet, abutters certifications: Don Frydryk and Jeff Linnell (representing property owner Ruth Fitzgerald): project is between 100-200ft zones; proposal is for removal of existing building, with material removed from site; new bldg is same footprint; new foundation is poured concrete crawl space; site is not within Natural Heritage, and outside floodplain: Agent GC: project is 160 from lake, not in RFA; not under WPA jurisdiction; this is a nonconforming lot; you'll need to go thru ZBA before starting work; Comm did site visit; very tight working conditions; Erosion Controls will be very important: DB: are you including existing porch as

part of grandfathered footprint? JL: front porch will be in same location, but w sono tubes, not included in the foundation; JL Parking will be in the same location; it is tight to the property line; Discussion was had about drainage: EG mentioned the area behind this house (and neighboring houses) have had severe flooding in the past: DB requesting drip strip instead of gutters along 2 edges; will control roof water flow better DF agrees with dripstrips as best water solution: EG: We should require that no change in elevation can take place.

**Motion (DB), 2nd (SC):** To close the Public Hearing, and approve this project as amended tonight (the addition of drip strips and disallow any change in elevation) and issue the following determinations: 1) Positive determination #5 confirming that the project is subject to the Sturbridge Town Bylaws; 2) Negative Determination #1; work is outside 100ft jurisdiction of the WPA: and 3) Negative Determination #4, confirming that the work described is not within an Area subject to protection under the Act. **APPROVED AIF**

- 7:30 Notice of Intent, DEP #300-978; 413&419 Main Street: Yervant Realty,** represented by EcoTec; Paving of an existing gravel parking lot within the Riverfront Resource Area. Agent notes: comments from DEP ... Project is designed to comply with 310 CMR 10.58(5) Redevelopment within previously developed riverfront area, and 310 CMR 10.05( Stormwater Redevelopment Project: Improvement over existing conditions; EcoTec response presented to Commissioners; Snow storage area designation? Operation and Management plan is adequate. ADD snow storage area into O&M plan; No paving over swale/stone.  
-- Scott Morrison of EcoTec: submitted documents- abutters' notification and legal ad tear sheet; Also present Chris McClure from McClure Engineering. SM: this is gravel parking lot full of pot holes, runoff going into existing detention and catch basin which is accumulating sediment. Maintenance only improves the look for a short time before it deteriorates again. Project is paving only, with no expansion; will use existing catch basins; and existing detention pond; plan includes erosion control barriers during construction because of proximity to perennial stream (Cedar Meadow Brook) and the Quinebaug River . Site is within a rare species habitat; Packet includes information including our detailed response to DEP comments: including discussion of how this plan complies with WPA and redevelopment projects as well as how it conforms w stormwater requirements; also included is an Operations and Maintenance Plan; EcoTec has reviewed older prev OOC and found no notations regarding prohibition of paving;  
-- **Agent:** DEP comments: "project should be designed to comply with "development in a previously developed riverfront area" and to meet stormwater redevelopment goals: O&M is good; deep sump catch basin hasn't been attended to; so O&M includes regular maintenance; Agent noticed in NOI, snow removal plan is not detailed - Think best to designate resource area on the plan so people know the "resource area" is not just the river, but includes the riverfront.....SM we can add that info to O&M? We will add language that clarifies limitation of pushed/piled snow ( NOT over the guard rail, not towards the resource area... etc) SM hope to keep current subsurface drain so sheet flow flows back into catch basin... Comm wants clarity that the existing subsurface drain will NOT be paved over .....Comm SH complimented SM's response to DEP; Some discussion followed of 2 old drainage pipes; concluded they are not flowing, are not a threat and are left over from old Route 20 work  
**MOTION (DB) 2nd (SC) to close the Public Hearing** and issue an Order of Conditions based on the plans presented tonight with the following amendments: Add an indication of the Resource Area on the plan; and add detailed snow removal plans to the O&M document to clarify limitations of snow piling and dumping Vote: AIF

- 7:45 Notice of Intent; DEP #300-976; John Stevens: 27 Breakneck Road;** Repair of a septic system in a riverfront area: and the repair of 2 existing decks on the house: represented Green Hill Engineering. *Continued from January 12, 2017.* Agent: JStevens called to request continuance to March 2nd mtg: **Continued to March 2nd.**

- 8:00 Notice of Intent, DEP #300-975, 8 Birch Street, Otis Land Mgmt., Ralph Nichols.** Replacement of mobile homes, shoreline wall repairs, paving driveway and parking lot, and installation of storm drains. Continued from December 1, 2016.  
Ralph Nichols and Jason DuBois of DC Engineering: JD: Revised plan presented includes

infiltration strip: we've installed a stone diaphragm along the asphalt; RN submitted photos of the shoreline to Glenn last week; Commissioner site visit on Tuesday so they saw the trees on the shoreline RN: we cleaned up all that debris... small stuff until we get the dumpsters in; Catch basin/dry well location at south of property

GLENN: yes agree with new infiltration trench ; we did view the shoreline ; still bothered by the catch basin and proximity to the outlet to the catch basin is within feet of the property line at 10 Birch; concern about stormwater not remaining on your property; want to avoid approving a catchbasin that will discharge on someone else's property;

-- RN; yes, we can try to pipe it or put in a grassy swale in the easement- it will be along the edge so it won't impede bicycles or foot traffic using the easement; We absolutely will insure that none of our water will flow onto neighbor's property, Jason: plus the material is so coarse/gravelly, it should not overflow...

PZ ok SH good w this plan, there is some erosion at shoreline ; but looks pretty good; could add more stone on shoreline to stabilize somewhat ; RN fully agree, and once the asphalt is in place, we'll be able to control that flow that currently runs right through that area.... SH couldn't tell if sheetflow or wave action; SC; agree w SH, bring in some stone to stabilize that bank.... Good w everything except expansion of footprint of that one unit (#8) that's in the 50ft; RN have looked at different options; but a trailer is not the same as a house; can't add an addition onto mobile units; once they are neglected or too old, you can't fix them – the only option is to totally remove and totally replace so I'm asking for a little bit bigger footprint here, but we're trying to move it back...

SC yes, but footprint is doubling here... We do realize what you're doing here is a large improvement which we appreciate.... DB areas of concern: 50' no build zone; your putting in new bldg. still within 50'; Grassy swale: will not be effective for 9 months out of the year; convinced that driveway will be a sluiceway from Birch Street right into the lake; RN: water is going right down the driveway now- without asphalt or swales or anything; property has been damaged and ignored for last 15 years. This site will be managed and have oversight and you won't see the abuses that have taken place - I think the positives I am bringing to the site far outweigh the previous management, and it will be supervised EG 12600 2 primary issues; Double wide addition in 50ft is not allowed: should go to a single unit: and no plantings along the lake; we want some wetland vegetation along the shoreline; I want a planting plan along the lake: Jason: we submitted photos showing substantial existing tree along the shore...

Jason: If that was a house, and we were asking for an addition, would that be approved? EG it would not be approved in the 50ft Jason: but it has been in the past.... EG not as a rule... we just had one in this meeting - it went exactly to size; a house could go to the back but not into the 50ft -- RN when I was in for my tree removal hearing in November, LenJalbert had 2 plans approved; 1 was an addition and another was a raze and rebuild.... And the Board discussed and approved those projects; So, the board would rather have the site as is instead of these improvements? The site is profitable for me now – I could walk away and leave it as it is... I'm trying to improve it- put grass in, put swales in, put drainage in.... if the doublewide is a deal breaker, well..... I'm only asking for an additional 200-300 sf...

SH – we should talk about that; have we had additions within the 50ft? 50ft cuts thru about 1/3 of that double wide... Glenn, refresh our memory in terms of additions on a house within the 50ft

GC; There is no NEW build in the 50ft, but the bylaw DOES allow additions no closer than existing structures; so I believe if this was an addition to a house, that would be permitted under the bylaw..

DB but some of us challenge that description, because we did not remember it that way...

SH: well, it should be in black & white

Jason: that's how it was approved in the November meeting per the minutes of the meeting

SH: would like to see what conditions we could apply if we allowed this project: we've talked about stormwater, extra use of 50ft area, the grassy swale, which have certainly worked as Jason has described, Can we work this out with special conditions?

EG: we have been trying to work it out.... we have to vote on it now-

Motion (DB) to Close the Public Hearing; 2nd (EG); Vote: AIF

Motion (DB) to reject this project as presented: 2nd (PZ) Vote: 4:1 (SH)

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, *Continued from January 12, 2017.* Scott Morrison (EcoTec) and Ethan Hillman present:

Agent comments: Commission visited site with Scott Morrison; wetland line determination was inconclusive; seems water table was up; soils were wet; Would like to see work moved away from wetland; Would like to see boulders, blocks; perm bounds and survey recorded at Worcester Registry of Deeds....

Scott Morrison(SM): Since last mtg; we had site visit w commission; took soil samples, confirmed accuracy of wetland boundary.... Also looked at grading; we are maintaining 25ft no disturb and 50 ft no structure; Commission has asked us to explore moving house.

Problem w relocating septic and maintaining setbacks; relocating house nearer to road requires relocating driveway and new location would require a retaining wall... so footprint would be increased; this plan shows only a small portion of the lot; a large upland area (not shown) will remain untouched; We've tried to minimize the footprint, maintain the required buffers, rimmed the perimeter w erosion controls; ; this house location is at the high point of the site so that water disperses in all directions; we feel this is a well-designed site and it complies with Sturbridge bylaw regulations.

GC We've discussed steepening this slope and moving it back a ways because we are hard up against the 25ft here..... would love to see work limit line pulled back – maybe not to the 50ft- and also utilize boulders or bollards to indicate the permanent wetland boundary.. maybe here build a retaining wall – would give them a flat backyard, and give us another 5-10 more feet of buffer...

SM: Yes, but significant additional cost to current proposal – It does currently comply with your offsets; Project has been design to meet your requirements; GC yes, but we also try to mitigate the impact by adjusting other parts of project when we can.....

EHillman - These bylaws are very specific with their buffers and are, in fact, stricter than any other surrounding towns --- You have established buffer zones, and we have met those requirements; GC: so I suggest we install permanent markers in back to establish a very specific work limit line – in perpetuity; have it recorded with the deed - every home owner into perpetuity will be made aware of the permanent work limit line..;

DB: at site visit I suggested moving garage to (front of lot) and giving up the drive-under garage), which may increase the footprint, but it does more to protect the wetland...

SM: yes, we did look into that...and explored several options for the garage, but all options affect the grades; or expand the footprint

Discussion continued about options for moving the house site and ramifications with the well the septic system and the driveway... SM restated all of the accommodations already made in the current plan .....

SH if this plan were approved, I would not want to see grass on that 3:1 slope; it would need to be wild vegetation.... SM offered to plant shrubs along toe of the slope; SH good, but will you change the slope from lawn to wild vegetation?: EHillman: I'd only acquiesce a few feet because I am within the bylaws requirements.... SH: so you insist that most of that slope is mowed lawn? EHillman: yes DB: And no bollards? EHillman: I am willing to install bollards SM: The project is compliant with the bylaw, and (Hillman) is willing to install bollards if they don't have to be survey-indicated, and the engineer can then sign off on the the As-Built plan.....

Motion (DB) to close Public Hearing 2nd (SC); Vote: AIF

Motion (SH) to accept this plan as presented, incorporating recommended bollards; 2nd (SC) ; Discussion- none

Vote 2:2 with EG abstaining... The motion failed.

**8:30 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; *Continued from January 12, 2017* Len Jalbert: From the last meeting there were two issues that needed to be resolved: Commission requested an Arborist Report regarding trees being removed, as well as confirmation of the setback limits related to the power line easement; we are submitting this documentation ... LJ read from the Registry of Deeds Document 3115 pg 300: power companies: "no flammable structure will be permitted on said property closer than 30 feet of said power lines"  
LJ: -- Plan submitted previously shows garage is at 30 foot limit required by law. Second issue was arborist report: recap: Arborist report shows 19 trees to be removed: special notes re the 30in oak tree; rpt states it is over 50% decayed and should be removed; several of the tall pine trees present risk factor due to their height; owner has discussed them with his abutting neighbor, who concurs with request for their removal; other questionable tree is 28in oak close to the foundation work: All other trees are in excavation area; Arborist felt 2:1 replacement would not be practical on this site; Agent: have looked at site and Arborist report and spoken w the Arborist: I agree w this plan and arborist's recommendations; LJ: We've had discussion w Arborist about having him return after house is built and discussing planting plan at that time.... ; which we would be happy to share at that time  
Motion (SH) to Close the Public Hearing; 2nd (SC) Vote: AIF  
Motion (DB) to approve this plan as presented and issue an Order of Conditions: including approving the removal of the 28 inch oak that sits close to the planned foundation. 2nd (SH) VOTE: AIF

**8:45 Notice of Intent, DEP#300-959, 9 Holland Road,** Richard DiBonaventura, represented by Paquette Builders. Culvert repair and site stabilization in the riverfront area. *Continued from July 21, 2016.*  
-- Agent GC: DEP comments have been received: "1) All disturbed areas must be seeded before any regrading of the driveway; All erosion controls properly installed and maintained in good conditions 2) Need to have a stormwater plan; Erosion controls monitor with monthly reports. Inspections weekly AND after rain events. Denise Childat DEP must be kept informed"  
-- So NH is looking to us to put conditions in an OOC that would protect the endangered species; biggest concern is silt... so the plan you have here is the cleanup; piles of debris, etc, but you still have a 12 inch pipe that must be taken care of - it currently sends its discharge directly into the river... Stormwater needs to be treated before it discharges from that pipe - possibly with a sedimentation basin; THIS is what NH is worried about ... it's a source of pollution to the river....We would never have allowed it the way its constructed- it really a violation, so it needs to be addressed; Remove it-- Use sedimentation basins and grassy swales; remove debris and trash;  
-- EPaquette: site is stabilized, we repaired the culvert; so erosion was stopped: Agent; it is much better but looking at driveway, it's all rutted out with big gullies; previous plantings didn't take well, erosion controls need attention The most important things are the erosion controls must be installed and maintained properly; and then monitored on a regular basis...  
Discussion continued about several problematic areas of the site; runoff from the road, runoff down the driveway, the previous plantings which did not take,  
Agent GC- We should visit this site with the comments from NH in mind and make the list of issues that need to be addressed; 12 inch pipe is obvious, but other areas have erosion controls have been up for a year-- Are we going to permanently stabilize it or just maintain the erosion controls until a new owner decides what to do with this property? What if potential new buyer backs out? This could be another 5 years with current owner... I think we look at long-term stabilization planning.  
-- Consensus by the Commission to visit the site on February 14th and assess prioritize the issues. -- **Continuation granted to February 16 meeting.**

**New Business:**

Joseph & Patricia Wondolowski, 16 Birch Street. Discussion of road runoff from Birch Street and conformance to plans for 14 Birch Street, DEP #300-811.

**Pat & Joe Wondolowski: presented concerns about water flow issues on Birch Street**

16 Birch Street; regarding street runoff being received on our property; Per previous conversations with this Commission, and the site visit conducted by the Commission on January 31, Wondolowskis believe their runoff issues are caused by the work performed at 14 Birch Street: they contend that the work done at 14 Birch was not done in accordance with the OOC issued by this Commission in 2015... Agent GC: on site, we reviewed this plan and found the project is substantially in compliance with our OOC; wooden berm keeps water from running off into Wondolowski property; swale has been constructed to keep water from flowing onto 12 and 16 Birch-- dry well has been constructed; ..... everything else is according to the plan; -- Owners of 14 Birch came in to request some paving, and some grading to protect the E1 pump; We did allow that work and it was done as specified; more stones than we envisioned, but that has no impact to the Resource area; the area is pretty well stabilized but I won't have them remove the hay bales until grass grow in the spring.... GC there is a private road issue here that we can see with this runoff; we've seen it with discussions of 8 Birch Street... all the way down the road; road is probably graded every spring and flow changes with every grading... My opinion is that the issues we saw at the site visit are not the results of our OOC or work done at 14 Birch; I believe them to be private road issues.....SH I agree w GC; no impact to RA; out of our jurisdiction: PZ not in our jurisdiction SC agree; not a wetlands issue, not in RA; DB I see this as wetlands issue because the runoff does flow down and carries runoff with it- I see the driveway is a slight elevation above the roadway- that wasn't there before .....therefore pace of flow down the street has increased since that paving; a drywell is already there..... why not remove berm to allow water to flow to the drywell ..... Glenn speaks to absence of Evelyn Sullivan at 14 Birch, we should not discuss without her present: SH we are not engineers; it's a dangerous precedent to tell someone to take this berm out.... I believe it is inappropriate for this Commission to advise an action.... EG: Essence is shared road; any/each owner can affect outcome anytime; road grading can fluctuate and affect it anytime... There is nothing is actionable by this Commission here;

**SIGNATURES**

**Request for Certificate of Compliance**

**DEP #300-466, 14 Meadow View Lane, Jeff & Colleen Bonja.** COC SIGNED  
Replacement of lost certificate, originally signed August 11, 2017 Certificate:

**DEP #300-952, Tantasqua Regional H.S. artificial turf project;** COC SIGNED  
Replacement of certificate originally signed January 12, 2017

**SCC #13-41 Laurel Woods, Escape Estates.** (detention basin in the 200' buffer zone) detention basin, has been inspected; COC SIGNED

**Order of Conditions:**

**DEP #300-977;** 279 Holland Road; Stevens Construction; OOC SIGNED

**DEP#300-972,** 3 Ladd Road, Robert Briggs. OOC SIGNED

**Order of Conditions Extensions 24444**

**DEP #300-734, Quacumquasit Lake Association (SOUTH POND)** requesting 3-year extension to OOC.

Agent: this is an herbicide application only; no drawdown involved.... Agent sees no issues: orig order granted in 2007, was extended to 2013 with the 4yr ext act; then to 2017;

**Motion to accept (DB) for 3 yr extension; SC 2nd; AIF / Ext OOC SIGNED**

Comm asked Glenn to send a letter outlining parameters. 24800

**Requests for Extensions to Orders of Conditions for Big Alum and Cedar Lake**

**DEP #300-727, Big Alum Lake Association** requesting 3-year extension to OOC.

**DEP #300-726, Cedar Lake Association** requesting 3-year extension to OOC.

Per Agent email of February 1st, Orders of Condition for Big Alum and Cedar Lake, were issued in 2007.

Guidance has changed since 2007 regarding drawdown levels and timing of drawdown.

Timing of the drawdown needs to be start date of November 1st, and Completion date of December 1st, with goal for refill by April 1st.

-- Also, the amount of drawdown does not comply with current guidance documents. In particular, the Cedar Lake OOC allows for a 56" drawdown, where the current guidance calls for 30"-36". Big Alum drawdown is 30" in their OOC, which would be fine for current policy, but the refill date is off.

Agent is asking Commission to decide if this can be treated as a Minor Amendment to existing OOC:

Consensus by Commission to treat as Minor Amendments. 25345

Agent will rewrite the Special Conditions for these Orders of Conditions, notify the associations of these changes, and will submit documents for signatures at the next meeting.

**APPROVAL OF MINUTES**

DB: Motion to approve Meeting Minutes of January 12th as written SC: 2nd Vote AIF

**ADJOURNMENT 10:00 SC: Motion to adjourn; 2nd SH Vote: AIF**

**Next Meetings:** Thursday, February 16, 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*