

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, May 4, 2017

Approved May 18, 2017

Sturbridge Center Office Building, 2nd Floor

7:00 pm – Open 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; Patricia Jeznach, Gary Jeznach, Frank Bicchieri, Caleb Slater, Robin MacEwan, Brad King, C. Gagnon, Darin Johnson, Scott Goddard

Committee Updates:

CPA: The Douty Farm project has been discussed in several meetings, and will go to Finance Committee this coming Tuesday: The renovation of the Basketball Courts and the Tennis Courts at the Rec area will be on the Town Warrant in June;

Trails Committee: Earth Day project at Plimpton brought 25 workers; some cleanup of fallen trees; found significantly more wetlands on the property than previously thought; Trails Comm is working on plans for summer work; will need to review original plans against these newly discovered isolated wetlands...

- Glenn Colburn would like to thank Trails Comm for blocking the spots where ATVs were accessing Plimpton property. ATVs are not allowed on any of the Sturbridge Conservation Lands.

- GlennC has submitted the Notice of Intent for the relocation of the Mountain Laurel Trail and the bridge work being planned on Leadmine Mountain. The Hearing is on the agenda for the May 18th meeting.

- Glenn rec'd email notification (from TomC??) regarding a huge pine tree down on the Robinson Crusoe Trail, and 2 other trees down on Raven Rookery Trail; Northern Tree is scheduled to come in to take care of it; GC expressed some concern of the soft condition of the Raven Rookery trail, and is cautioning about the expected rain making that trail more vulnerable to disturbance by equipment; DB will speak to Northern Tree.

-- EGoodwin: asked the Commission to provide Trails Comm with blanket permission for using their ATVs in the course of their ongoing work, without having to seek permission each time: Commission all agreed, noting that Comm must still be notified of any third-party work being planned, and advising Fish&Game on Leadmine Mountain property issues.

Lakes Advisory: Held their Boating Safety Course; will be starting their regular meeting schedule

Walk-ins None

Public Hearings

- 7:15 Request for Determination of Applicability:** 12 Cedar Lake Drive, Gary & Patricia Jeznach. Addition of a partial roof over an existing porch; in the buffer zone. Gary & Patricia Jeznach presenting: Submitted Legal Notice and Certified Abutters list; GJ: explained that their plan was to put a permanent roof over a portion of an existing deck; size would be 12 x 16ft; There are no trees on their property, and their goal is to provide a shade spot. Lot is already maximized for the percentage of impervious surface allowed by Zoning; (max allowed is 15%; Jeznach lot is currently at 39% without this roof.) GaryJ stated that the area underneath the existing deck is concrete pad, and therefore already impervious. They have used an awning before, but it has deteriorated and they are hoping for a permanent solution. Commission then addressed the buffer zone: The 25ft buffer runs through the existing deck, and the roof would become a “new structure” within the 25-ft, which is not allowed.
- Motion (DB) to close the Public Hearing: 2nd (SC); Vote: AIF**
- Motion (DB) to deny this project based on the “no new structure within the 50' ft buffer” Bylaw. 2nd PZ; VOTE: 4:0 (EG Abstain)**

Determination:

Positive Determination #5; this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw.

Positive Determination #3: Work described is within the Buffer Zone as described in the Wetlands Protection Act, but will not alter an area subject to protection under the Act.

Jeznachs asked if there is an opportunity to appeal: they were advised that they are eligible to appeal, and to call the Conservation office for details.

- 7:30 Notice of Intent – DEP#tbd: Old Sturbridge, Inc; 1 OSV Road:** Site development and stormwater management controls related to construction of a charter school. Represented by Bertin Engineering. Frank Becchieri presenting, with Brian King, VP, Old Sturbridge Village; - Agent Comments: We have received no DEP number or comments, so this hearing cannot be closed this evening; FrankB: This is the Pine Grove Complex, the building that will house the Old Sturbridge Academy Charter School. It is being built in the already disturbed area of the existing gravel parking lot of the Village. It will be serviced by Town water and sewer services; the building will be sprinkled and have a hydrant adjacent to the building; The site has a 6ft grade change; fill will be used to level the site; Upon finishing, the entire building site will be fenced; Building has 3.5' dripstrips (2' deep) in both front and back; and an interceptor gravel trench; existing drop inlets within the parking area will also be utilized. The site has a perennial stream running through it; Will replace drop inlet grates with manhole covers and install deep sump catch basins. NOI submittal contains full stormwater plan report; There are 3 trees that will be lost to this construction, and we have allowed for replacement with 5 new trees.... - Agent: We request a 6-inch bottom spacing under fences near the wetlands for wildlife travel (turtles, etc); when fencing was installed at the DPW ballfields however, Natural Heritage requested that fencing go right to the ground due to the high level of human activity- so to keep wildlife OUT of the area.... We would expect to see this comment from NH here as well.... - FB: because we cannot close the hearing tonight, is there any work on the site which we can perform now before this permit is issued? Commission: you can do any work that is outside of our jurisdiction, i.e. outside of the 200' buffer zone of any resource area... -- Commission consensus that contractor may proceed with installation of straw wattles while waiting for permit;

-- Commission consensus that, assuming there are no comments from DEP or Natural Heritage, there is no need for representatives to return to the next meeting.

7:45

Notice of Intent: DEP#tbd; Ecological Restoration: Hamant Brook Restoration Project; Town of Sturbridge in partnership with Mass Div. of Fisheries and Wildlife, and American Rivers. Presenting: Caleb Slater (MDFW), and Robin MacEwan (from Stantec, design engineers contracted with AmericanRivers):

-- Agent: Town Administrator Leon Gaumond was unable to attend this hearing and asked that this Commission give all due consideration to this project. The applicant for this project is the Town of Sturbridge, and this project is before us as a result of a vote by the residents of Sturbridge through a Town Meeting; A briefly history of this project: The dams had been inspected and found to be in poor condition; the state mandated that the town repair the dams or have them removed. Repair costs were estimated at \$1.25 million, which prompted the public vote for removal of the damns.

-- Agent also stated his support for the project as it will result in the return of the area to its natural state, and provide fish the ability to seek colder habitat.; when the project is totally finished, the removal of the OSV culvert will allow fish to move from the Quinebaug up into the cooler waters of the Hamant Brook. I see this as returning the area to its natural state in much the same way we would request a restoration for a violation today....

Caleb Slater (Mass Wildlife): This is a “Ecological Restoration” Notice of Intent; and as such, we seek a waiver of the Sturbridge Wetlands Bylaw regulations. This work will require working directly in the resource area.

We have met with this Commission at incremental planning stages, and now this project is close to 100% ready to begin construction, and we have final details of this work to review with you.

As originally proposed, this project included removal of the box culvert which handles Hamant Brook on the back road to OSV. This piece of the project has not yet been funded, and will not be completed in this phase, but we are including this phase in the current Notice of Intent so that all permitting is in place. We hope that this funding can be obtained and the project completed in 2018 or 2019.

A detailed presentation was shown to the Commission of the work involved in this restoration project including these points:

Goals of the project are to restore the stream, habitat & habitat connectivity, improve water quality, and reduce nonnative invasive species habitat

Dam Removal Process includes removal of three dams, and details were shown regarding construction access, staging & site preparation, the construction sequence and the water & sediment management during construction, as well as final site restoration. Photography of similar projects were shown to illustrate that once completed, these areas revert to wetland meadows within one or two growing seasons.

Once all reviews are conducted and all permits received, actual construction is expected to span approximately 10 weeks, and should be completed by end of summer 2017.

Dept Fish & Wildlife has agreed to monitor for invasives after work is completed.

Funding for this project is coming from several sources, and no monies are being spent by the Town of Sturbridge.

Commissioners asked about lack of funding for the OSV culvert work and what is Plan “B”?
CS: this site is on USACE property, so the discussion would need to include them, but there are alternatives which can be discussed if necessary.

Commissioners asked about large equipment, are any tree removals necessary, and will damage be done to trails? CS and RM: There will be no crane used; we’ve assessed existing trails as adequate for our needs, and the contractors performing work are required to repair damaged trails to original condition. There may be tree removals necessary in immediate work sites, but not for purpose of equipment access.

Commission asked about mosquito breeding in ruts and tracks: RM: Our work should begin in the fall, and the active disturbance period is about 10-weeks long: this should avoid the mosquito larvae period.

Brian King, VP, Old Sturbridge Village spoke to advise us of their very positive experience working with both Caleb Slater and Robin MacEwan.

CS and RM provided the Commission to several online resources which show dam removal projects in process, as well as before and after photographs of similar projects.

**Request for a Continuation to next meeting May 18th due to lack of DEP number.
Commission consensus to grant continuance.**

8:15

Notice of Intent; DEP #300-tbd; Old Sturbridge Village. Construction of a temporary stage and bleachers in the Riverfront Area. Frank Bicchieri (FB) (Bertin Engineering) and Darin Johnson (DJ), (Old Sturbridge Village) presenting: This request is for construction of a temporary wooden stage and installation of temporary metal bleachers along the riverfront near the covered bridge for a period of 4 weeks (June 14 thru July 9th); Performances will be on Wed, Thurs, Fri, Sat and (2) Sundays.

- There is some slight earth disturbance for 20 post holes will be dug for stage support; all holes will be repaired when the stage is disassembled.
- Location is currently mowed lawn and picnic area; Concessions will be done at the Museum Education Center parking lot before the start of the performance. At a mid-performance intermission, guests will be served beverages only from two 10x10ft pop-up free standing booths setup along the road to the Education Bldg; two sets of porta-potties will be setup nearer to the Education Bldg parking area.

-- DB expressed great concern with the number of people who will be walking along the area and sees significant opportunity for disturbance... He does not want to set a precedent and especially does not want this to be considered for an annual event.

-- FBicchieri: pedestrian traffic will be only on the lawn area; This event is not planned as an annual event... We will aerate the area at the end of the season like we do with recreational fields. DB agreed. FB: We have not yet heard from Natural Heritage, and we do expect some conditions from them;

-- EG: We must stipulate that it must be restored to its original condition...

-- DJ: the audience take their seats on the bleachers; it is not designed for them to be walking around socializing on the lawn; please know it is also very important to The Village that the grounds remain undamaged. FB: Request for a continuation to May 18th meeting.

Commission consensus to grant continuance.

8:30 Notice of Intent, DEP#984; 36 Warren Road; Sturbridge Warren, LLC; represented by Goddard Consulting, LLC; construction of a single family home and garage, with associated grading, driveway, septic and well in the buffer zone. Continued from April 6, 2017.

8:45 Notice of Intent, DEP#985; 38 Warren Road; Sturbridge Warren, LLC; represented by Goddard Consulting, LLC; construction of a single family home and garage, with associated grading, driveway, septic and well in the buffer zone. Continued from April 6, 2017.

Scott Goddard, Goddard Engineering presented, addressing both DEP#984 and DEP#985 sites simultaneously as Commission issues were identical from previous discussion: Revised plans were submitted, addressing issues brought forth by the Commission on April 6th; Septic systems have been revised to be 4BR systems; track pads have been added to construction work plans; We researched the Army Corp easement: it is from 1959..... this provides USACE with the right to submerge this property up to the elevation of 656ft when activating flood control procedures.

Motion (DB) to close the public hearing for **DEP#984**, approve the revised plans as presented tonight, and issue an Order of Conditions; 2nd (SH); Vote: AIF

Motion (DB) to close the public hearing for **DEP#985**, approve the revised plans as presented tonight, and issue an Order of Conditions; 2nd (PZ); Vote: AIF

Letter Permits

202 Lake Road, Wendy Stearns. 5 trees; site visit found many more “almost dead” hemlocks than what was requested... ; Because so many trees, I requested that they submit a planting plan and we will review at our next meeting.

SIGNATURES - Letter Permits

174 Lake Road, Brian Eisold. Tree removal application, 4 dead hemlocks are being removed: 2 trees are being planted. Commission approved. AIF SIGNED

113 Breakneck Road, Jennifer Pelletier. Construction of shed in the buffer zone. Commission approved. AIF SIGNED

42 Beach Ave, Tracey Gibbs. Permeable patio in the buffer zone. 20 x 11ft, outside the 100ft bz; Commission approved. AIF SIGNED

30 Mt. Dan Road, John Fearing. Request to install 8-9' vinyl fence along north property line as well as a 4-ft split rail fence at the far west end of the lot; Fearing has been told our policy of requesting a 6inch space underneath the fence for wildlife movement: DB also requesting a space of 6feet between end of the fence and the waterline. Commission approved. AIF SIGNED

SIGNATURES - Certificates of Compliance

PARTIAL Certificate; DEP#300-469: 27 Draper Woods Road; King Commission approved. AIF SIGNED

PARTIAL Certificate; DEP#300-592: 27 Draper Woods Road ; King Commission approved. AIF SIGNED

SIGNATURES - Minor Amendments to Orders of Conditions

DEP #300-931, 146 Lane Eight. Lynn Eckhart. Shift location of detached garage. New position is further from the lake. Commission approved. AIF SIGNED

SIGNATURES – Orders of Condition

DEP#300-986; 33 Mountain Brook Road; Robert & Michelle Audino; SIGNED

DEP#300-988; 104 South Shore Drive; Robert Verschure; SIGNED

DEP#300-987; 118 Paradise Lane; Kyle St. Laurent; SIGNED

Old Business

EdG: received a call from Ed Paquette regarding fines that have been levied against him related to 9 Holland Road; He doesn't feel he should be fined: Ed told him to come in to talk to us
GC: advised commission that he has referred the conversation to Leon and that Legal Council is reviewing the issue

EdG: asked Glenn about status of grant application process for Douty Road property; Glenn is working on it; notified Commission that some funds will needed for a certified appraisal of this property. Will be asking CPC for those funds.

DB: Requests permission to have a sign posted at the fairy village site on the Heins property; It will be constructed of only natural materials - DB read the draft wording of their planned sign; Girl Scouts will determine final wording: Girl Scouts are paying for the sign; Sign will include the Trek Sturbridge logo ;... DB will check w TChamberland re sign material (metal or vinyl); Girl Scouts are arranging for a newspaper story as well; site is at Heins Trail, heading towards Stafford Trail;
Commission approved placement of a sign AIF

Agent Report: Note to the Public that the Mountain Laurel on Heins Farm Cabin Loop Trail will be in full blossom in mid-June, so make sure to get out to see the bloom.

Adjourn 9:20 pm Motion (SC) to adjourn; 2nd (DB) Vote: AIF

Next Meetings: Thursday, May 18, 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