

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, June 1, 2017

Approved July 13, 2017

Sturbridge Center Office Building, 2nd Floor

6:00 pm – Meeting Called to Order/ Ed Goodwin (EG), Chair

Quorum Check: Confirmed

Members Present:

Ed Goodwin (EG) Chair

Absent: Paul Zapun

Dave Barnicle (DB) Vice Chair

(arrived 6:30)

Steve Chidester (SC)

Steve Halterman (SH)

Others Present: Glenn Colburn (GC), Conservation Agent, Anne Renaud-Jones (clerk); Scott Morrison, Ralph Nichols, Donald O’Neil, Gary & Pat Jeznach, Jason Dubois, Christopher McClure, Jill Roy, Ralph. Gilespe, Keith Robinson, Michael Spillane, Tom Chamberland, Alphonso Esposito & Jayne Jewell, Leonard Jalbert

Committee Updates: No committee updates were presented

Walk-ins

Ralph Nichols (Otis Management), 8 Birch Street to discuss recent DEP decision. Ralph Nichols, (Otis Land Management), Jason DuBois (project Engineer) and Atty Donald O’Neil present:

-- Mr. Nichols and his representative Atty Donald O’Neil (DO) presented to the Commission that they had been awarded a Superseding Order of Conditions from DEP regarding the Mass Wetlands Protection Act portion of their Notice of Intent filing. The denial by the SCC issued to Mr. Nichols in April is still binding because of the Sturbridge Wetlands Protection Bylaw ruling, which can only be overturned through an appeal to Superior Court, and this process filing has been done.

-- It is the wish of Mr. Nichols to try to avoid the appeal process and, instead, work directly with the Commission to resolve the issues upon which the Commission originally denied the project.

-- In summary, the denial was based upon the replacement of 2 trailers (including one at increased size) and the condition of the Lake shore;

-- DO: possibilities for further mitigation include enhanced stabilization of the bank without obstructing the view and additional plantings on site: Overall, Mr. Nichols views the project as a significant improvement to its historical condition – and it seems his neighbors agree;

-- DO: We’d like to point out to the Commission that, when dealing with “trailers” (manufactured homes); they are not customizable as a traditional home would be, and Mr. Nichols is limited in his choices of sizes; Since DEP is satisfied with our proposal, we hope that this Commission can be open to having further discussion and review. Is this a possibility? If Commission doesn’t feel this effort would be productive, then we won’t proceed with this effort....

-- EdG: There is always a possibility and we will always entertain improvements that will allow us to approve a project

- Agent GC: Would like to remind Commission that should Mr. Nichols win this argument in District Court, Sturbridge CC would lose all oversight of this project – so it is to our advantage to work with Mr. Nichols regarding his proposed changes. We need to inquire about the correct process going forward:

not sure if this requires a new Notice of Intent, but certainly it will require a re-advertisement and full notification of Abutters as they consider this hearing closed.

-- DO: suggests a "remand by agreement" from the Court back to the commission for further hearing, setup such that they would retain jurisdiction over it; if the Commission issues a decision favorable to Mr. Nichols, they would dismiss the case; Logistics can be worked out with Town Council (KPLaw)

-- DO summary: Issues we will readdress with our proposal will be the lake shore enhancement, additional plantings, and the 2 replacement trailers

-- GC: Can you also reach out to DEP Central District regarding how the Superseding Order is handled? This order as it stands takes jurisdiction away from SCC- We need to understand proper procedure with DEP as well.....

-- The consensus of the Commission is that they would be willing to review a revised plan incorporating several changes.

Gary & Patricia Jeznach, 12 Cedar Lake Drive to discuss porch project. Scott Morrison of EcoTec spoke to the Commission regarding the project: It is his opinion that upon review of the project and the bylaws, this can be treated as a pre-existing structure with a pre-existing impervious surface, and in fact, the structure was in existence in 1990s, before the Sturbridge Wetlands Bylaw was in place.

-- SM presented a plot plan showing drywells at all four corners of the house, and a fifth at the garage. It is his professional opinion that this partial roof will have no impact. Jeznachs have agreed to additional plantings. EG and GC made note that this full picture of all components of the existing condition of the site were not made known to SCC at the time of the hearing. SM offered to send a letter summary of all information presented tonight.

-- Jeznachs are requesting reconsideration of their denial of their RDA findings. Because the public hearing for the RDA was closed on **May 18, 2017**; this will have to be processed as a new RDA, with Abutter Notification letters sent again

-- The consensus of the Commission is that they would be willing to review a new application. This project will be added to June 15th Public Hearings.

Public Hearings

6:15 Notice of Intent; DEP#300-tbd; 23 & 27 Main Street, Sturbridge; Parking lot and drainage improvements; Center of Hope Foundation; Scott Morrison (EcoTec) and Chris McClure (McClure Engineering) ; This project involves the renovation of 2 existing buildings into Adult Day Habilitation facilities, and the conversion of an existing garage space into a Farmer's Market on Main Street. The parking area in the back of these properties abuts ArmyCorp property, and some BVW;

-- A 24x60ft greenhouse and gardening spot will be built to one side of the parking area, the existing swimming pool will be demolished. This produce will be sold at the Farmer's Market at the front of the lot.

-- The primary concern in Conservation is the parking area and stormwater management system. The plan is a rework and expansion of the existing parking lots and driveways.

-- CM: the driveway access from Main Street will be widened to more easily accommodate the large passenger vans that are used by this program; Parking lot at the bottom will have 63 spaces; Stormwater system proposed contains 5 standard hooded catch basins; 4 will drain into the forebay detention basin; Erosion controls wrap all the way around the parking area; Catchbasin #5 is handling the roof runoff of the new Market building; Ralph Gillespie (contractor) spoke: this is a large roof, stormwater volume will be significant; runoff is directed away from the parking lot to prevent icing in the parking lot. Infiltration rate will be 72 hours maximum;

-- Commission asked if this runoff needs to be processed through the stormwater system at all? Can't it just infiltrate? ScottM: Commercial building; DEP requires pretreatment.

-- Commission asked about tree removals: CM: A planting plan exists in our submitted packet, but our landscaper could not be here tonight. There are plans for some streetscaping, and some tree plantings; We have been through Planning Dept, and have spoken w Tom Chamberland,

who requested a tree protection plan for the construction phase.

-- Agent: We have no DEP number yet; we cannot close this hearing tonight.

-- ScottM: Request for Continuation to June 15th. **GRANTED AIF (4:0)**; Commission agreed that applicant and representatives do not need to return on June 15th meeting.

6:30 Notice of Intent: DEP #300-981: 186 New Boston Road: Joseph Boutiette; represented by Green Hill Engineering; Continued from March 2, 2017: Driveway construction in the Riverfront Resource Area and Bordering Vegetated Wetlands, and construction of a single family home in the 200' buffer zone. *Continued at the request of the applicant.*

6:45 Notice of Intent: DEP #300-994. 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 127A Stallion Hill Road. *Continued from May 18th*

-- Commission received comments from Natural Heritage: *"It appears that Crossing 3 is a stream crossing, and the restored channel should be spanned by the boardwalk. Erosion control must be utilized for all activities related to restoring the original flow within the wetland and stabilization measures should be proposed for the final channel configuration. Wetland replication must be provided for all resource areas permanently altered by the removal/shading of vegetation and the placement of footings. Wood chosen for this project must be appropriate for use in and near open water."*

- Agent recommendations: Use straw wattles, and plant with a conservation wetland mix;

- TomC: work will begin in August, when it should be totally dry;

Motion (DB) 2nd (SC) to Close the Public Hearing and Issue an Order of Conditions;

Vote: AIF (4:0)

7:00 Request for Determination of Applicability: 24 Draper Woods Rd. Alphonso Esposito and Jayne Jewell: Installation of an in ground pool in the existing yard.

Motion (DB) 2nd (SC) to Close this Public Hearing, approve this project with the request shift of 5 feet and issue a Determination as follows: Positive Determination #5; this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw. Negative 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. AIF (4:0)

Minor Amendments to Orders of Conditions

188 Lake Road, Jill Roy. DEP #300-939. Landscaping change. Jill Roy, Len Jalbert: Ms Roy is requesting a change to an earlier approved landscaping plan, to put a patio of permeable pavers underneath the approved deck. She will also be planting vinca instead of pachysandra.

APPROVED: AIF (4:0)

Letter Permits

61 Clarke Road; Michael Spillane: Installation of above-ground swimming pool in the buffer zone.
APPROVED; AIF (4:0)

100 Allen Road: Christopher Mazeika: Removal of replacement of a 12 x 20 shed on existing footings, in the buffer zone. APPROVED; AIF (4:0)

100 Allen Road: Christopher Mazeika: Request for removal of 3 trees; 1) large pine leaning toward house, 2) large pine growing into the shed 3) large oak in poor health
APPROVED; AIF (4:0)

258 Big Alum Road; Wayland and Elaine Wheaton: Robinson Tree Request removal of 2 Trees:
1 dead hemlock; 1 other tree broken in half.

-- Keith Robinson/Robinson Tree Service present: Commission visited site; approved 2 trees:

Applicant is now requesting 2 additional trees be removed: Commission granted approval under

the condition that Agent GC make another visit to identify and approve the additional trees.
APPROVED; AIF (4:0)

26 Birch Street, Brian & Susan Freeland. 3 trees: Commission is requesting an arborist report regarding the health of the 3 large pine trees. Continued to June 15th meeting.

SIGNATURES

Extension to an Order of Conditions:

DEP #300-592, T. Reardon Builders, Draper Woods.

Len Jalbert/Jalbert Engineering present: reported that site is fully stabilized and in good condition. **GRANTED / SIGNED**

Request for Certificate of Compliance

DEP# 300-779; 100 Allen Road: Christopher Mazeika: **GRANTED/ SIGNED**

Order of Conditions

DEP #300-991. 187 Shepard Road, Estate of Gloria Kania; **SIGNED**

DEP #300-992. 61 Shepard Road, Joel & Christine Bourbeau; **SIGNED**

Forest Cutting Plans

21 High Street, Sturbridge: Barry & April Gingras: 22 acres; **APPROVED**

New Business

-- Violation Report: 169 Podunk Road: EdGoodwin reported that he had gone to the site; owners son was indeed working in the wetlands; issued a Cease&Desist: told them to call the office; GC had been there prior to this call and had seen no violation; anonymous caller to the office (5/30) had said they were driving tractor right into wetlands.... GlennC will followup.

-- DBarnicle brought up the need for a new commissioner to review cutting plans. He has been unable to do this for some time; Task is to walk the property and ensure wetland issues are being addresses in the FCP, i.e. landings and crossings are located in appropriate spots, etc. Can someone else take this on? **Steve Halterman offered to take over this role.**

Old Business

Bylaw Regulations Review: Commission will review the section on Self-Imposed Hardships (Chapter 3) to consider a rewrite of the first paragraph. Final review will be July 13th, with a Public Hearing to be schedule for August 17th Meeting.

Agent Report:

BlueWave (now Ameresco) is wrapping up their project, and is approaching the work on the stream crossing, and we had told them to install an outlet control structure: but they have advised us that EPA does not want an outlet control structure installed on the brook. They want the stream restored to a free-flowing condition. - There is no action tonight; Steve Turner will come in after they hear from Army Corp.

Agent Glenn Colburn proposed going into Executive Session in order to discuss a strategy for addressing the Douty Road property Article 7 at Town Meeting on this upcoming Monday night.

7:50 pm Motion (DB) 2nd (SH) to ADJOURN the regular meeting (7:50pm) and enter into Executive Session, and to adjourn Exec Session without returning to regular meeting.
Vote: AIF (4:0)

Next Meetings: Thursday, June 15th, 2017, Meeting to begin at 6:00pm.

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