

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, June 15, 2017

Approved July 13, 2017

Sturbridge Center Office Building, 2nd Floor

6:00 pm – Meeting Called to Order/ Dave Barnicle (DB), ViceChair

Quorum Check: Confirmed

Members Present:

Absent: Ed Goodwin

- Dave Barnicle (DB) Vice Chair
- Steve Chidester (SC)
- Steve Halterman (SH)
- Paul Zapun (PZ)

Others Present: Glenn Colburn (GC), Conservation Agent, Anne Renaud-Jones (clerk); Scott Morrison, Gary & Pat Jeznach, Leonard Jalbert, Glenn Krevosky, Christopher Luth, Joshua Wages, Rebecca Gendreau, Mark Farrell, Mike Thibeault, Ed Neal, Melissa Bigley, Sue Lulu, Mark Lavign, Jeff Petruzzi.

Committee Updates:

CPA: No report was submitted

Trail Committee: SCA Americorps (Student Conservation Assoc) workers finished their 10 days of work with the Trails Committee; worked on Mt Laurel Trail to repair tornado damage and relocate the trail onto conservation land, including installation of a 2 bridges. Jellystone Park campground donated 2 campsites for 5 students for 10 nights. We thank Jim at Jellystone for this generosity; They also spent 1/2 day at Burgess School and finished up the Discovery Trail there. The students were great workers and would be welcomed back at anytime. This work was funded by a SCA-AmeriCorps grant.

Lakes Advisory Committee: GC: LAC is scheduling a second offering of their Boating Safety Course, tentatively scheduled for July 29th at The Host.

WalkIns None

Public Hearings

6:15 Amendment to an Order of Conditions; DEP #300-953; 272 Big Alum:

Justin & Amy Howard; construction of a cantilevered permanent dock.
 -- Len Jalbert presenting: submitted Legal Notice and Certified Abutters List; presented drawings showing placement of new proposed dock; orig doc size was 480sqft and 30ft long; new dock is 177sqft and 30ft long; significantly less impact on the shoreline; cantilevered design means no piers, no disturbance to the lakebed;
 -- GC: also, 6 new trees will replace the three coming out. Important to maintain the swale next to the house and pin the new turf to the ground until it is well rooted and will not slide on the slope. This is a good healthy shoreline with a natural bank, good habitat; wondering if possible to shift the dock position 5 or 10 feet towards the north. This might save the 16inch maple? Also you'll need to get the State CH 91 dock permit and then see the Sturbridge Harbormaster...

-- Landscaper Mark LaVigne of Ground Effects: discussed existence of large rocks which may impede the requested move - Can shift some, but will be limited...

DB: request more substantial trees as replacements- wants to replace canopy appropriately:

LJ: agreed;

-- Discussion about the location and size of the underground concrete pad (dock counterweight which contains I-beams of the dock itself) ; Mark LaVigne explained through the plan drawings where and how this is placed; Deck material is composite. - Len J supplied photos of a similar dock in the same neighborhood - Abutter Virginia Roscioli: spoke attesting to the quality of Mark LaVigne's work on her dock.

Motion (SH) 2nd (SC) to close the Public Hearing, approve the plan, and amend the Order of Conditions; Vote: AIF (4:0)

-- LJ: we are still waiting for our state permit; we'll need the Amended OOC from Glenn to send to the state.

6:30 **Request for Determination; 15 South Road; Rebecca Gendreau;** use of property for sustainable poultry agriculture, and removal of invasive species in the buffer zone. Rebecca Gendreau present: submitted Legal Notice and Certified Abutters List; Explained plan to farm pastured poultry: has flock of both laying hens and broilers; rotates their pasture with movable pens; also has considerable invasives on the property and is seeking permission to remove them; no plans for herbicides unless absolutely necessary;

GC: glad to see willingness to tackle invasives; it's important to not grind and compost those plants; no other issues: No questions from Commissioners;

Motion (SC) 2nd (PZ): to close the Public Hearing, and approve this plan as presented. Vote: AIF (4:0) Determination: 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, and therefore does not require a Notice of Intent.

6:45 **Notice of Intent; DEP#300-996; 88 McGilpin Rd; Kathleen Knox;** replacement of a failed septic system in the buffer zone; represented by Green Hill Engineering. Mark Farrell presenting: submitted required Certified Abutters List and mailing receipts, and copy of the Legal Notice tear sheet:

GC: why is this site so close to the wetland? MF: there is an onsite well, the radius envelope encompasses the whole yard; had to avoid the property boundary; hit ground water at 42 inches, so the system is raised; project has been approved by BOH; Discussion of vegetating the slope: all decided Mt Laurel would be best; MF agreed - maybe 6-12 plants and let it naturalize.

-- DB inquired about an alternate position of the site: MF explained need to stay on contour lines and other positions make certain areas even closer to the water table, and need to stay close to test areas.

Motion: SH; 2nd SC: to close Public Hearing, approve this plan as presented, and issue an Order of Conditions. Vote: AIF (4:0)

7:00 **Notice of Intent; DEP#300-997; 28 Breakneck Road: Michael & Linda Parker;** replacement of a failed septic system in the buffer zone; represented by Green Hill Engineering; Mark Farrell presenting: submitted required Certified Abutters List and mailing receipts, and copy of the Legal Notice tear sheet: This is a replacement tank project: we will pump it, remove old and replace with 1500 gallon tank; not many options for location of tank due to steep slope, location of well; we've discussed with BOH already; we'll install straw wattles and hug close to the hedge row. -- Agent GC has no comments; short discussion of drainage ditch full of standing water from blocked culvert across the road; not Mt. Parkers property; we cannot do anything about it... **Motion SC; 2nd**

PZ: to close the Public Hearing, approve project as submitted, and issue an Order of Conditions. Vote: AIF: (4:0)

- 7:15 **Request for Determination; 126 Podunk Road; Christopher Luth:** installation of a lawn in the buffer zone. Represented by EBT Environmental Consultants. Glenn Krevosky presenting: submitted Legal Notice and Certified Abutters List; Installation of a lawn on the south side of home; about 50ft to the wetland; there are old wetland flags, the wetland line is very abrupt; don't see need for re-marking; there are about 7 black birches that need to be removed, about 7-9 inch dia; planning to leave the large red oak; hoping to take a small additional slice of lawn to create a better sight line to the swingset planned for the spot; will put permanent orange fence at the 50' buffer; we'll also be removing the burning bush (euonymus) - we will pull before it goes to seed DB: can we mitigate the 7 birches? GK: don't know where we could add trees, but we could remove the patch of Japanese Knotweed... have successfully killed patches before by mowing for 3 years in a row; maybe then plant Mt Laurel.
- Motion SC, 2nd SH to close the Public Hearing, approve this project, and issue the following determination: 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, and therefore does not require a Notice of Intent. Vote: AIF (4:0)**
- 7:30 **Request for Determination; 70 Westwood Drive; Joshua Wages:** Placement of 80 sqft shed in the buffer zone. Josh Wages present: submitted Legal Notice and Certified Abutters List; shared photo of the shed as well as photos from the lake looking back at the property; explained condition of the site as very steep and very difficult to find a location to place this shed: the shed is placed on concrete blocks- no digging or soil disturbance was necessary; no trees removed Commissioners had visited site and agreed the site was difficult; Agent GC explained that the Wetlands Protection Act does allow for clearing the 10% of your shoreline; estimated your clearing to be approx. 18ft; which is within regulations; SH: commented that the concrete blocks make the structure not permanent;
- Motion PZ, 2nd SC to close the Public Hearing, approve this project, and issue the following determination: 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, and therefore does not require a Notice of Intent. Vote: AIF (4:0)**
- 7:45 **Request for Determination; 85 Shore Road; Christine Trainor:** Installation of a patio under an existing deck on lakeside of house. Represented by Landscape Evolution. Mike Thibeault (Landscape Evolution) presenting; submitted Legal Notice and Certified Abutters List; project involves removing current asphalt paving and installing a 12x20ft patio of permeable pavers underneath an existing deck. Will be bringing in a mini-excavator for asphalt removal; will live-load and remove from site, so there will be no stock piles; will stake straw wattles; Agent GC: this will be an improvement to the site; will be important to have that patio constructed properly; DB: commented on importance of continuing maintenance; **Motion PZ, 2nd SH to close the Public Hearing, approve this project, and issue the following determination: 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, and therefore does not require a Notice of Intent. Vote: AIF (4:0)**

- 8:00 **Notice of Intent: DEP#300-tbd; 63 New Boston Road; Suzanne LuLu:** Construction of new single family home in the buffer zone. Represented by Revane Builders.
 GC: Tom Revane was unable to attend this evening, so I will present what I know of the project. This is an undeveloped lot – this plan shows a Lot#65, but that is an error- The Assessor’s map shows this as Lot 63. The plan shows a driveway cut sloping down into the property into a little ravine; a perc test has been done... The house will sit up on the knoll, then the land drops off sharply. Plans shows his erosion controls too far away here; I will request him to revise and move closer to the work and align with the contour; Erosion controls really should include filter fabric w hay bales because of that slope; this is a site for temporary stabilization through the winter- perhaps a winter rye – we don’t want the site left in a unstable condition until the interior is finished. I would add that to the OOC:
 - Discussion was had about the digging required for both the foundation and the septic system; No information was provided regarding trees being removed or any landscaping plans... Discussion was had about whether unanswered questions could be addressed by using special conditions in the Order of Conditions: GC would like to find a way to approve this tonight by building in whatever safeguards we feel are necessary into the OOC - and noted that the SCC summer meeting schedule could delay permitting of this project considerably; DB & PZ felt need to talk with Mr. Revane about the project. **Commission continued the hearing until July 13th.**
- 8:15 **Notice of Intent; DEP#300-995; 23 & 27 Main Street, Sturbridge;** Parking lot and drainage improvements; Center of Hope Foundation; Represented by EcoTec, Inc; *Continued from June 1st*; Scott Morrison presenting: EcoTec has received a response from DEP, which Scott believe to be an error due to a misunderstanding of the submitted plans. EcoTec has sent a reply to DEP-- DEP typically does not respond after issuance of initial comments. Agent GC recommends proceeding with closing this hearing and issue an OOC.
 -- Motion (SC), 2nd (SH): to close the Public Hearing, approve this plan as presented, and issue an Order of Conditions. Vote: AIF (4:0)
- 8:30 **12 Cedar Lake Drive, Gary & Patricia Jeznach. Reconsideration of Determination of Applicability** for roof over impervious patio. New information presented. Scott Morrison presenting: submitted Legal Notice and Certified Abutters List; Summary of this project: when first presented to this Commission, several pieces of relevant information were not presented. We’d like to present that info for re-consideration by the Commission:
 -- deck was built in 1990s
 -- existing concrete pad was built even earlier
 -- have plot plan showing existence of drywells at each of the 4 corners of the house and 1 for the garage.
 -- Jeznachs have recently planted high bush blueberries and will plant a tree and several other shrubs
 -- Site is flat; runoff from the new roof will easily infiltrate down into the stone
 -- We’d like to request a reconsideration of the original decision.
 -- **Motion (SH), 2nd (PZ): to close the Public Hearing: AIF (4:0)**
 -- In consideration of the new facts which have come forth, especially the documentation of the 5 drywells previously unknown; the Commission will allow this roof to be built. -- **Motion (SH), 2nd (PZ): to approve this project as presented: AIF (4:0)**
 -- The Determinations found on May 4, 2017 remain the same, i.e. 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, and therefore does not require a Notice of Intent.

Letter Permits

Wetlands Bylaw Permit; 572 Main Street: Blackington, LLC; property owner Kevin MacConnell: installation of a handicap accessibility ramp in front of Blackington Building; within the buffer zone. No representative present: Commissioners had visited site. Had no issues: excess soils from digging will need to be disposed of properly;

CONSENSUS to approve as submitted: 4:0.

Tree Removal: 33 + 35 Mt Dan Road; Jane & Jeff Howlett: *Continued to July 13, 2017*

26 Birch Street, Brian & Susan Freeland. 3 trees: Commission requested an arborist report and replacement plantings at the June 1st meeting. *Continued to July 13, 2017*

Old business

Bylaw Regulations revisions: Sec 3.11 of the Bylaw Regulations regarding Self-Imposed Hardships has not been finished yet. We will have a draft done for approval at our July meeting.

New Business

Agent GC: each fiscal year we vote to approve spending a small portion of our Wetlands Protection Fund to support 5 hours per week for the Conservation Clerk. This comes to a total of \$4,680.

Motion to Approve SC; 2nd SH: Vote AIF APPROVED 4:0

Letter from the NE Chapter of Falcon Club of America regarding their Annual Car Show at the Sturbridge Host: Saturday August 19th; Expecting +/- 60 cars parked on the grassy area outside of the Hotel. **Consensus to approve. APPROVED 4:0**

Emergency Certifications

Vineyard Engineering & Environmental. Diesel spill cleanup at I-84 Eastbound, Exit 1
Emergency Certification has been issued for a diesel fuel cleanup from this tractor trailer roll-over incident; They will remove contaminated soil as well as some cleanup in the wetland; this has been signed and mailed. They have a 30-day window to complete this cleanup.

Signatures

SIGNED: OOC for 127 Stallion Hill Road; Trails Committee; DEP#300-994

SIGNED: Restoration OOC for Hamant Brook Dam Removal project ; DEP#300-993
two minor changes have been made from the version the commission saw earlier: one was regarding trail closures, which had already been covered in the contract; and two was the refueling concern: They had already designated two spots outside of the 100foot buffer.

Adjourn 8:40 pm: Motion to Adjourn (SC); 2nd (PZ); AIF (4:0)

The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.