

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION
Thursday, June 16, 2016
Approved 7/21/16
Sturbridge Center Office Building, 2nd Floor

Working session. Review of Conservation Restrictions

Called to Order: 6:00 – 6:55 pm: Review of Conservation Restrictions
-- Present: Ed Goodwin, David Barnicle, Steve Chidester, Steven Halterman
-- Absent: Joe Kowalski

Discussion of four pending Sturbridge CRs

Agent: We have distributed copies of all 4 Sturbridge CRs for final approval tonight: Sturbridge CR #3-Long Pond, Sturbridge CR#4-Riverlands, Sturbridge CR#5-Shepard, and Sturbridge CR#6-HeinsFarm

We received the corrections on the Long Pond CR in early June from the new person at EEA, Martha Reichert- Her changes were minor, some formatting changes, and a comment added to the Long Pond and Shepard documents requiring approval of the Grantee (OLT) for construction or expansion of parking areas. We have now incorporated all of the changes from EEA into all 4 of the CR documents, and that is what you have in front of you. Edits have been marked in RED for you to easily identify.

Commissioner comments: approves of her wording which considers the possibility of future expansion of parking;

Metes and Bounds Issue:

AGENT: we have encountered an issue with the Exhibits for these CRs: Detailed Metes and Bounds are presented as Exhibit A for these documents: Riverlands and Shepard deeds have all necessary information.

-- Heins Farm is a problem: the deed has distances but no bearings indicated. EEA has so far indicated that that is not acceptable. I have spoken with CME Associates; they have no further information: property has such a long history, all research was based on older documents and not an on-the-ground survey. At this point we may have to contract for an on-the-ground survey - Estimated cost could run \$8,000 to \$12,000 – we would have to seek funds from CPA fund-

-- Long Pond consists of 3 parcels: one of those parcels crosses over the Sturbridge / Brimfield town boundary. We need the Metes and Bounds of that single line of the town boundary through the property. Jalbert Engineering is looking into that for us. It does not need an on-the-ground survey.

Agent plans to submit as is, explain the situation and request a 90-day extension, citing the fact that EEA has had these CR documents for more than a year, and we should not be penalized for a delay.

Motion (DB) 2nd (SC) AIF (4:0): to authorize Ed Goodwin to represent Conservation to request funds for necessary survey from the Community Preservation Fund (CPA).

MOTION TO APPROVE of all CR documents as presented (DB) 2nd (SH) Vote: AIF (4:0): Four CR documents were signed by the Commission, to be submitted to the Town Administrator for Board of Selectman approval.

7:00 pm Reconvene Regular Business Meeting
-- Present: Ed Goodwin, David Barnicle, Steve Chidester, Steven Halterman
-- Absent: Joe Kowalski

Meeting Called to Order: 7:00 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: Daniel Kristoff, Ronald Moreau, Mike Barry, Miguel Linera, CR Gagnon, Brad King, Richard Dalrymple, Avis Dalrymple, Leonard Jalbert, Frank Bicchieri, Scott Howe, Arthur Allen, Bill Jarobski, Mark Farrell, Brian Juliano

Committee Updates:

CPA: no meeting has been held

Trails Committee: Chris Thompson of GeoFest came to Trails Committee and offered 50 volunteers for the say following their GeoFest event (Aug 20), to build a new trail....

Lakes Advisory Committee - is meeting tonight

Walk-ins

7:00 Leadmine Mountain Stewardship Plan - Mike Barry (forester, BayState Forestry), Liz Newlands (Stewardship Associate, MassWildlife,)

Mike Barry, BayState Forestry has submitted a proposed Forest Management Plan based on our discussion in April 21st, and the Landowner Goals submitted by the Commission; All commissioners had reviewed the plan- MikeB discussed situation with hemlocks on property- their health, their future, and options and value of doing a cutting now vs later - LizN cautioned about assuming the hemlock will die as opposed to considering a possible recovery; Hemlock groves provide considerable sheltering; would consider a “wait&see” approach for a while ; White pine offers very little ecological value...

-- Commission inquired about invasives: MikeB: very costly- not part of this plan, Shared opinion that hand removal is very difficult and not suitable for volunteers: good plan is to attempt removal w professional treatment, then use volunteers to monitor and manage after they are under control; Discussion about possible landing sites for the cutting operation; how to maneuver through the property without too much disturbance to public use; MikeB sees no trail crossing issues in this area....

Consideration of habitat adjustment belongs with SCC, not FW; can consider letting sites return to deep forest, or revise to possible other habitat types... Some discussion was had on trying to bring in ruffed grouse, which need 2-5 acre “early successional” habitat to thrive....

-- LizN suggested a designated signer for the plan: Commission consensus to assign Glenn Colburn as such: Glenn and Liz will meet next week to finalize the plan before the end of the fiscal year.

Public Hearings

7:15 **Request for Determination of Applicability; 49 Clark Road;** Richard A. Dalrymple, Sr; landscaping within the buffer zone. Representative Babe’s Lawn Care; Plan has been submitted, but does not have dimensions indicated: GC has asked (Babe’s) to supply dimensions: work area is approx. 50' x 80'; work stops at existing shed; no trees are being removed; goal is to have a smooth area with mowable lawn;
Motion (DB) to approve project pending receipt of dimensions details, and issue a determination as follows: 2nd (SH): AIF; 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.**

7:30 **Notice of Intent DEP #300-954; 1 Old Sturbridge Village Road,** Solect Energy Development, LLC; Construction of a solar-electric generating field in the riverfront area. Presenting : Miguel Linera, Scott Howe, Frank Bicchieri: Arthur Allen: Project is installation of a 1.94 MW solar field at OSV; power to be used directly on OSV campus; in the area already damaged by 2011 tornado; there will be minimal site disturbance; solar panels are raised off of the ground, secured by posts drilled directly into ground (no concrete or other anchor is necessary) All disturbance will be re-seeded with mixture recommended by NH; road within the array area will be upgraded to 8-inch gravel bed road (MassDOT spec gravel) to address emergency access comments of SDPW; turnaround at end of road for vehicles; area is adjacent to the Quinebaug River, some bordering vegetated wetlands, and 2 intermittent streams, flood plain and ACE flood easement. There will be no increase in impervious surface;
 -- Natural Heritage has rec’d copy of this NOI, and we are also in process of permit application directly with NH; comments are concern with wood turtle on site; all fences will be raised per NH specifications; they

have also specified a seed mix for replanting....

-- Stormwater prevention plan has been submitted.... There are three detention basins – 2 ft deep; and a swale; basins are designed to run dry; location outside 200 ft riverfront area; Proposal also includes a full decommissioning plan for the end of array life; Underground electric cabling bringing power from the array to the main connection in the Village parking lot will be encased in 12 inch concrete conduit; max trench is 3' x 3' ; this travels along existing road where possible, and along the bridge crossing at the intermittent stream; This plan has a separate page detailing this work at that crossing: removed dirt will backfill trench; excess will be disbursed in array field;

GC: Rec'd phonecall from Army Corp expressing concern about 404 Water Quality filing; are you filing with them: Art Allen: They had not seen the plan yet; they had only received the abutter notification; there is no need for a filing with Army Corp as there is no filling or dredging taking place....

-- Commission would like to see a detailed sequencing of work, a path of work flow, and a plan for their staging area.

-- Frank Bicchieri: Request for continuation to July 21st ConsComm meeting:

Commission Consensus: Continuation granted to July 21st.

8:00 **Notice of Intent; DEP #300-955 ; 217 Brookfield Road;** Virginia & George VanFleet; represented by Greenhill Engineering; Construction of new single-family home; work within the buffer zone. Mark Farrell presenting: This lot has a large bordering vegetated wetland on the road, we'll build behind the BVW, constructing a driveway through the buffer zone around to the back: is served by Town sewer; we'll install a drilled well; GC: would like to see work limit line revise so it is at top of slope at driveway edge, rather than down at bottom of slope: Square it off from the Cedar Tree to avoid the 25 ft line; Area has considerable Japanese Knotweed – an invasive – would like to see that mowed and controlled to keep it from spreading to the BVW; SC: also considerable amounts of bittersweet; DB: poison ivy? MF: leaving it: EG: there's a gully at the driveway of the property above you.. Make sure you do not block that gully and create a water problem; request a pipe installed under driveway.... Commission would like to receive a revised plan before issuing the OOC:

Motion (DB) 2nd (SC): to close the Public Hearing, to approve this plan with its modifications, and issue an Order of Conditions stating the conditions mentioned here tonight: a revised work limit line, a resolution to the drainage issue at the driveway entrance, and a mowing of the Japanese Knotweed .

Vote: AIF (4:0)

8:15 1:31 **Request for Determination of Applicability, 479 Main Street,** Kaizen Restaurant, Son Vo. Pave existing gravel parking area. Install infiltration trench in the buffer zone. Bill Jablonski, Materro Construction presenting revised plan: Plan shows driveway area approx. 88' x 35' to be paved, with an infiltration ditch at the bottom of the slope, at the point even with the back of the building. Trench is 2 ft wide, 1.5" deep, filled with 6inch minus stone. New fence shown to surround the dumpster and prevent spillage: 12 x 12 x 8' high; plan also indicates grease collection container will have a spill pan at 4.5' x 6' x 6" .

Motion (DB) 2nd (SH): to close the Public Hearing, to approve this plan as presented and issue a Determination as follows: A 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)**

8:30 **Notice of Intent, DEP #300-949, 43 Abrams Drive;** Cont. from 4/7/16. Brian R. Juliano, represented by Jalbert Engineering; project consists of 2 items: dismantling and replacement of a deteriorating shore line retaining wall, and installation of a volleyball court. Len Jalbert presenting: this project is replacement of a deteriorating retaining wall; existing wall, runs 450 ft along shoreline, existing concrete is deteriorating; replacement plan is for a concrete wall with natural stone face towards house; water side would have riprap installed along wall to prevent scouring; drainage pipe behind; No trees will be removed; volleyball court no changes from last presentation:

-- Agent comments: this plan doesn't provide any of the habitat functions for wildlife that we try to incorporate lakeside; it provides a vertical wall that becomes a barrier to wildlife; many replacement walls around the lake have been able to build something to accommodate the needs of the lake and its habitat... Volleyball no issue for me: A wildlife habitat assessment may be helpful in this situation...

Commissioners agreed with Agent regarding problems with straight vertical concrete wall, and significant

barriers to wildlife... “this is not an eco-friendly design” Concern also expressed about planned riprap in front of wall - this would be considered fill under Wetlands Protection: LenJalbert: these rocks do not create displacement; dirt is removed, a blanket is laid down, rocks on top of it: no increase in displacement:..... previous installations of similar wall show no erosion, no scouring, results structurally better than block walls etc; Commissioners: at the site visit we spoke about gaps in wall , angled up to lawn level- that would go a long way to address these concerns.....

LJalbert: Request for Continuance to the next meeting: Commission consensus: AIF (4:0)

Next Meeting is July 21st . **Continuance granted.**

Brian Juliano, property owner: expressed his frustration with the Commission’s disapproval of the plan.

Letter Permits

Tree Removal Application, 72 Shepard Rd, Ronald & Carol Moreau, 1 tree: Ron Moreau present; tree is very tall, concerned about safety of house: Commission sees no advantage to request for replanting: **Motion (DB) 2nd (SH): to approve this request. Vote: 3:0 w EGoodwin abstaining**

Tree Removal Application, 124 Podunk Road, Daniel Kristoff, limbing trees;
Dan Kristoff present: requesting removal of large limb overhanging the deck; wetland is 50’ behind the house: **Motion (DB) 2nd (SC): to approve this request. Vote: AIF (4:0)**

Tree Removal Application, 32 Mt Dan Road, Jane & Jeffrey Howlett, 15 trees
Jeff Howlett presenting: lot is heavily treed; have been working to save Hemlock trees; would like to remove dead trees and some smaller trees: GC: would like to see some shade-tolerant trees planted for when the hemlocks die- better to plant now so they will be older, more stable- sugar maple for example.... **Motion (SH) 2nd (SC): to approve this request. Vote: AIF (4:0)**

Tree Removal Application, 68 Paradise Lane, Steven Miller, Karl Miller; 1 Tree ;
tree was not flagged for site visit; **Continued to July 21st meeting**

Tree Removal Application, 7 Cedar Pond Rd, Carol & Wayne Grenier, 12 trees:
Greniers are getting an arborist report; **Continued to July 21st meeting**

New Business

DB requested change of date of Commission’s July meeting: July 21st was agreeable to all: Date was changed to July 21st. **CONSENSUS to approve change**

DB request that Trails Committee be put on the agenda for the July meeting; to discuss the work to be done in August by the volunteers offered by the GeoFest group

Signatures:

Cons Land Special Use Permit: Chris Thompson; C-Mass Geofest event at Leadmine Mt, a nighttime event on Aug 19th: Approved; SIGNED.

Order of Conditions: 272 Big Alum, DEP#300-953, Justin Howard: SIGNED.

Request for Certificate of Compliance

DEP#300-451, 63 Beach Ave, Dianna Aho.: We are still waiting for a plan from Jalbert Engineering for removal of concrete.

Enforcement

- 3 Ladd Road. Tree removal in the buffer zone and resource area without permit.
Agent visited site: site is naturally regenerating nicely; mostly red-maple; Re-planting plan is being developed. Briggs will need to file separately before they start their landscaping work.
- 460 Leadmine Road, John Stevens. Letter mailed. New deadlines for progress report and completion of restoration work.

- 8 Birch Street, Richard DiBonaventura. Work in the buffer zone without permits. Checking new fence to make sure it's agreeable to the neighbor; still some small things that hasn't competed yet
- 9 Holland Road. Work in the Riverfront Resource Area without permits.
NOI has been filed: Meeting July 21st.

Motion to Adjourn

9:30 pm -- Motion (DB) 2nd (SC) to adjourn the meeting; **Vote: AIF (4:0)**

Next Meetings: Thursday, July 21st, 2016, 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***