

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, August 17, 2017

Approved September 14, 2017

Sturbridge Center Office Building, 2nd Floor

6:00 PM -- Open Meeting - 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; Heather Hart(HH), Carol Derby(CD), Carl Nielsen(CN), Doug Vizard(DV), Susan Freeland(SF), Bill Lemke, Paula Paturo (PP), Louis Fazen(LF), Marci Smith(MS), James Reidy(JR), Patricia Reidy (PR), Peter Mimeault(PM), Joe Kuliesh(JK), Glenn Krevoski(GK), Louis Latch(LL), Susan Reidy(SR), Bob White(RW), Josh Wages(JW), Charles Quinby(CQ), Tom Earls(TE), Amy Gerrish(AG)

Committee Updates:

CPA: Committee did meet, conversation was primarily catchup on minutes; no new business was discussed.

Trails Committee: This Saturday is our workday; plan to work on Plimpton Trails again: GeoFest is in town, and again, we will have about 35 volunteers from that group joining our Sat morning workcrew.

Lakes Advisory: Agent GC reported that the Annual Lakes Testing was successful- took place on 2 days, July 28 & 30th; We did 6 lakes with 6 volunteer boat captains – We thank them all for their help. We would especially like to thank Laurel Carpenter and Evan Mazeika for their help collecting data; Results show that water clarity in Big Alum, South Pond and Leadmine is down very slightly: we theorize that that heavy rains this spring have affected the water.

Walk-ins None

Public Hearings

6:15 **Notice of Intent: DEP #300-998; 367 New Boston Road; Lot #1R; Diverdi Builders;** represented by EBT Consultants; Construction of a single family house within the buffer zone. *Continued from July 13, 2017.* Glenn Krevosky, EBT Consulting presenting: submitted required Certified Abutters List and mailing receipts, and copy of the Legal Notice tear sheet.
- GK: Showing Plans of Lot #1R: Single family house – these plans have been revised to move both the septic system and the house back further away from the wetlands ; soils are coarse gravel to sand in this area, Do not know status of septic permit approval yet; GC: DEP had no comments on this project; planned erosion controls show straw wattles, but the lot drops 30ft to the wetland....; would request more protection: filter fabric and straw bales, double staked; fabric side facing the work; straw facing wetland; Driveway shows a swale but no check dams; concerned it will concentrate the volume and increase the velocity of

stormwater runoff; Recommend stone check dams in that swale; Your foundation is so close to the wetland, it will require a surveyor to mark the location - This house is being built to sell, so how will new owners know their yard limitations? I would recommend permanent bounds every 25 ft along the work limit line - Need limit of work area shown on this plan- especially to indicate planned tree removal/retention; Need indication of extent of clearing at the back of this lot as well... this wetland could be significantly impacted by loss of canopy. Would request a 50ft work limit line.. ... It will be important to manage this stormwater ; suggest adding dripstrips, rain gardens, other infiltration options...

GK: We will come back with revised plans that address these issues --check dams -- driveway runoff -- driveway issues because of the steep slope -- foundation will be surveyed -- can have an "as-built" part of OOC; -- plans will show erosion controls, trees being removed and retained, -- limit of work,

-- SH: it will be beneficial to have erosion controls along the gradient of the driveway during construction; it is fairly steep; construction disturbance will be vulnerable to rains...

Also strong proponent of moving the house further from the wetlands another 15 feet;

DB: agrees with all previous comments; ED: the key here will be defining the limit of work, and to consider our 25' and 50' foot buffers as minimums...

Comments from the Public:

Resident Louis Fazen of 146 Lane 8: is concerned about the 51 foot distance, and questioned how a wetland boundary is determined- what if error in that close a distance?

Agent GC: explained that he did walk the boundary; that wetland is defined not only by sitting water but by soils and plants, so even in drought conditions, evidence will show a boundary, especially to a wetlands professional; LF: expressed concern with importance of wetland in protecting the lake; the elevation of the lake is lower than the wetland, so any problems will affect the lake directly....

GK: explained that the site was filled in by farmer years ago (a common practice) which left a very abrupt boundary in many places; He also took many core (soil) samples to add to analysis. Is confident in the wetland line.

Resident Carl Nielsen of Lane 8; representing the Lakes Association: Expressing concern with runoff from both lots; stormwater from lawns etc is huge concern for lake health...; expressed appreciation for Agent GlennC and the Commission for their work in protecting the condition of the lakes...

Resident James Reidy; 140 & 142 New Boston: Stream currently runs directly thru 140 & 142 New Boston, and already in large storms, the runoff is a significant problem...

Resident Paula Patruro, 358 New Boston: has lived directly across the street for more than 25 years and has seen the decline of the wetlands and loss of turtles and salamanders... This driveway seems like huge problem with its runoff: She is very concerned that the Town did not protect this property as it should have- There are also many large oak trees in those woods that will be lost.....

Resident Doug Vizard, 120 Lane 10: expressed concern with elevation of wetland and the ravine in the back ; are detention basins an answer to this runoff? GC: soils are very good in this area- good infiltration with good perc rates- Don't think large detention basins are necessary; but will focus instead on infiltration options: what we don't want is denuded areas of lawn that increase the velocity of the runoff;

GK: these plans call for 1/2inch/24 hour infiltration; but we may be able to change to 1inch/24hour to reduce velocity: I will propose changes to the client

GK: Request for a continuance to Sept 14th meeting. Commission consensus AIF. Continued to September 14th.

6:30

Notice of Intent (Bylaw only): 367 New Boston Road; Lot #2R; Diverdi Builders; represented by EBT Consultants; Construction of a single family house within the local buffer zone. *Continued from July 13, 2017.* Glenn Krevosky, EBT Consultants presenting: submitted required Certified Abutters List and mailing receipts, and copy of the Legal Notice tear sheet. GK: this second lot is further away from the wetland.. It is not under DEP jurisdiction; Sturbridge Bylaw only.... 200 ft buffer runs right through the house site. As we've discussed, we will show exact limit of lawn, indicate trees being removed or remaining, the culvert will be indicated on the plans, and the driveway surface will be identified. Agent GC: You need to retain the quality trees on this lot; increase infiltration as discussed on Lot #1, and submit the septic approval from BOH as well. Commissioners have no comments other than those expressed related to Lot#1.

Comments from the Public:

Resident Marci DeHain : Does this lot also require a foundation survey?

EG: No, because it is so much further from the wetland.

Resident Susan Reidy (representing her father Robert Reidy) 140 & 142 Lane 8: as mentioned earlier, there is a stream on our family property at 140 & 142 Lane 8 that indicates significant runoff when rain or snow melt; have also observed significant rust color in the last few years...

GK: Would like to point out the condition of a culvert; there are several feet of organic material at the inflow of this culvert, and brush and organic material at the outflow as well - A cleanout of this culvert may be very beneficial...

GK: Request for a continuance to Sept 14th meeting.

Commission consensus AIF. Continued to September 14th.

6:45

Request for Determination of Applicability; 251 Arnold Road; Louis Latch; filling a depression adjacent to dwelling to match existing grade. Louis Latch presenting: An area close to my house is a 40 x 100 foot depression that I would like to fill and grade to match the surrounding grade. It is approx. 30 feet from the house- the slope there is quite steep- and drops about 15ft- ; the area is over 100 feet from the wetland, but I could not get all the way back through the brush to find the actual edge of the wetland.

Agent GC: I walked with Commissioners and saw quite a mix of vegetation but no wetland species and no water; Commission concurred it is not a wetland, but commission thinks "fill" is under the BOS jurisdiction.

- Motion (SH) 2nd (DB) to refer Mr Latch to check with BOS and Bldg Inspector on regulations pertaining to allowed fill before proceeding, and to find the following determination:

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

Negative Determination #4: The work described is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent.

7:00

Request for Determination of Applicability; 26 Birch Street; Susan & Brian Freeland; raze and rebuild of existing home; foundation will be preserved and used for new building; SF: Planning to use existing foundation with no increase in size; town water, town sewer, existing septic system: plan done by Jalbert Engineering; straw wattles for erosion controls; Agent: Had Freelands do RDA because there would be so little disruption / no digging; thinking straw

wattles are adequate; PS ok; SH ok; SC ok; DB ok; EG ok;

- Motion (DB) 2nd (SC) to close the public hearing and approve this project as presented and find the following determination:

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

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.

Commission Vote: AIF

7:15 **Request for Determination of Applicability: 70 Westwood Drive; Josh Wages:** placement of a boat lift beside existing dock.

- Steve Halterman offered to recuse himself from this hearing but then determined he was not a direct abutter

- Josh Wages presenting: JW: would like to install a seasonal boat lift at his dock: his property is at a section of the lake where there is significant turbulence from boat traffic; the lift is set directly into the lake, and has adjustable legs for leveling ; it has a solar-powered motor; is removed from the lake for the winter months; Agent GC cautioned against clearing any vegetation on shoreline;

- Motion (SH) 2nd (DB) to close the public hearing and approve this project as presented and find the following determination:

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

Negative Determination #2: The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.

Commission Vote: AIF

7:30 **Request for Determination of Applicability: 18 Woodlawn Drive: Robert White:** installation of a well: Robert White presenting: This request is made because of the possibility of needing to drill a new well: We are attempting to replace an existing failed pump: The well company said there is a possibility that the pump could get stuck or fall off when trying to replace it, creating an immediate need to drill a new well. Agent shared photos of yard showing location of existing pump and area where new well would be drilled. Process may require dewatering area and hay bales for erosion controls.

Motion: (DB) 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.... and

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.

Commission Vote: AIF

Letter Permits

Wetland Bylaw Permit: 551 Leadmine Road; Thomas Earls; removal of a mobile home including removal of deck, wooden steps, and concrete landings.

TE: This property has not been lived in for 10 years or so; since then it has deteriorated significantly and I have been asked by Bldg Inspector to remove it.

- I am asking the Commission to clarify my ability to build on this site, especially laws regarding the grandfathering options: I do not want to remove this building if that action threatens my future options to build. Property is 7 acres; Trailer is very near wetland

- Trailer structure is currently falling apart; there is no foundation; concrete blocks;

Agent GC: This site is RiverFront due to the stream, and as such is governed by Rivers Act; The Stur Bylaw does allow for a period of time between a demolition and a rebuild, but there are other considerations. The current site and "footprint" are very close to BVW; The Commission would look on this as a "new build"; This would trigger a request for an "alternatives analysis" under the Rivers Act; - First step is getting concrete information: we suggest cleaning up the site: Concerns about existing oil tank. When it is time to replace the trailer, get a site plan done showing actual distances and measurements of the trailer; and then come back to this Commission to discuss options. SH: in the meantime, we can research the details of the Rivers Act as it pertains to this situation; then we can advise you of options.

TE: will contact Engineer to draw up plan

Resident Heather Hart: asked for clarification of septic system and foundation: TE clarified only concrete blocks as a foundation, and that there was a septic; **Motion (DB): to approve and issue a Letter Permit solely for the purpose of cleaning up the site, with specific suggestions by the Agent. 2nd (SC). AIF**

Wetland Bylaw Permit: 30 Birch Street; Joseph Kuliesh: installation of 9 stone steps leading down to his waterfront. Agent GC: There is no great danger of erosion in this project; suggest straw wattles at the bottom: JK: landscaper is planning to plant along the stairs as well: Montigny is the landscaper. **APPROVED AIF**

Tree Removal Application: 246 Big Alum Road; Andrea Speed. Removal of 10-20 trees.

Comm did site visit; many dead/dying hemlocks; Arborist report by Ganesh Trees; Agent wants to note that we are pleased that several large healthy oaks are not being touched – they may be as much as 80-120 yrs old... EG: we'll do another site visit once all the dead trees are removed and reassess a replanting plan at that time. **APPROVED AIF**

Minor Amendments to Orders of Conditions

DEP #300-751, Peter Mimeault, 76 South Shore Drive (formerly 25 South Shore Dr).

Minor change to drainage and infiltration basins. Peter Mimeault presenting; requesting approval for changes to 2 portions of his drainage system.

- Contractor has recommended a substitute gutterbox -- an alternate that has a smaller channel but same size outfall; has slope built into its design and is less expensive; contractor has recommended it as a cost-saving: **Commission consensus to approve. AIF;**

- Would also like to use an alternate leach basin design; original approved device requires 6.5' deep excavation; requested device requires a hole only 4' deep; easier to install and maintain, better with current soil composition; **Commission consensus to approve. AIF;**

Motion (DB) to approve this change presented on plans dated August 2, 2017; 2nd (SH). AIF

DEP #300-961, Chas Quinby, 67 Bennetts Road. Repairs to shoreline wall. Charles Quinby presenting; requesting amendment to Order of Conditions to allow repairs to the wall;

- over the winter, there was significant damage to both ends of the existing retaining wall from ice and a fallen tree; Quinby would like to repair with fieldstone and cement the top course of stone.

Commission Approved. AIF

DEP #300-969, Scott & Amy Gerrish, 55 Bennetts Road. Change garage to living space and make minor exterior changes.

Agent GC : Scott & Amy Gerrish have purchased the property at 55 Bennetts Road, the sale of which included an existing Order of Conditions with approved plans for a raze and rebuild of the existing structure. They are seeking approval of several minor changes to the plan:

- Plan was approved with a full 2nd floor living space above the garage and a deck facing the lake:

They seek approval to make the garage portion of this plan a living space with only a loft

- Removal of a small deck and the outside stairway to a second floor space above the garage; addition

of bulkhead at back corner of house nearest the driveway;

- they seek approval to add a stone fireplace to the structure which would require a bump-out of an additional 2.5 feet.

- House is only 790 sqft.

Agent: Impervious surface does not change in these alterations; I see no issues with these changes.

Agent showed plans used and approved at the hearing of November, 2016.

- AG presented full detailed house plans

- Commission discussed at length pieces of the plan that differed from what they recalled having approved: especially concern for stairway into the cellar below approved deck;

- AG expressed some flexibility but also stated that they purchased the property with an approved and recorded Order of Conditions, and finished and approved plans and that their interactions with prior applicant was irrelevant to her clean purchase of the property

Agreement was reached with the following decisions:

- there could be no foundation and no stairs under the deck; install with sonotubes instead; the jog in original foundation footprint must be retained

- sidestairs would be removed; bulkhead will be allowed;

- fireplace would be allowed with 2.5 ft bumpout

- garage conversion to living space will be allowed

Motion to approve as discussed: (DB) 2nd (EG); Vote: AIF

Enforcement

170 Cedar Street, Thomas & Taryn Welch. Erosion into wetlands.

Agent GC spoke to owners and advised them that although their property and driveway is not in our 200' jurisdictional area, the erosion from the property has allowed silt to enter a wetland, therefore the work now will be regulated under WPA. A letter was sent, but was returned to the office as "undeliverable as addressed"; we have now re-sent to proper address informing them that this situation must be addressed. Pictures were shown of the quick fix that was done, but the material used was inappropriate and would not stop the erosion; Comm discussed that driveway lacks an asphalt apron; GC will send another letter (certified) and copy to the Highway Dept as well.

SIGNATURES

Request for Certificate of Compliance

SIGNED:	DEP #300-460, 172 New Boston Road, Mary Coleman
SIGNED:	DEP #300-498, 5 Harding Lane, Edward & Heather Adamson
SIGNED:	DEP #300-746, 13 Library Lane South. Adele Suddes
SIGNED:	DEP #300-931, 146 Lane 8, Lynn Eckhert/Louis Fazen
SIGNED:	DEP #300-979, 132 Leadmine Lane, Anthony & Diane Crane
SIGNED:	DEP #300-982, 175 Podunk Road, Bertram Vanderhoof/ Ethan Hillman
SIGNED:	DEP #300-991, 187 Shepard Road, Estate of Gloria Kania

New Business

DBarnicle suggested a project for the Heins Farm trail; an exhibit demonstrating the decomposition rates of several everyday items: it would be box made up of smaller cubicles each containing samples of objects in the process of decay..... It could be titled "How long does it take for your trash to decompose?"

- Commission agreed it was a good idea: DB will take the idea to the Trails Committee

Approval of Meeting Minutes from July 13, 2017

Motion (DB) to accept minutes of July 13th meeting as presented. 2nd (SC) Vote: AIF / APPROVED

Agent Report

Plimpton Stewardship Plan has been completed; property boundary has been marked. All work done through Conservation Works.

Election of Officers:

- DB nominated Ed Goodwin as Chair: SH 2nd; Vote: AIF
- EG nominated DB as Vice Chair
- SH nominated Steve Chidester as Vice Chair, explaining his thinking about advantage of rotation of commissioners; DB concurred and 2nd this nomination; Vote: AIF
- Steve Halterman will remain liaison for Forest Cutting Plan reviews
- Dave Barnicle will remain liaison to the Trails Committee
- Ed Goodwin will remain liaison to Community Preservation Committee

Adjourn 8:50 Motion to Adjourn (SC); 2nd (SH) Vote: AIF

Next Meeting: Thursday, September 14th, 2017; 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