

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Thursday, November 16, 2017

*Approved December 7, 2017*

Sturbridge Center Office Building, 2nd Floor

6:00 PM -- Meeting Called to Order/ Ed Goodwin (EG), Chairman  
Quorum Check: Confirmed  
Members Present: Ed Goodwin (EG) Chair Absent: Steve Halterman  
Steve Chidester (SC) Vice Chair  
Dave Barnicle (DB)  
Paul Zapun (PZ)

Others Present: Conservation Agent Rebecca Gendreau, Anne Renaud-Jones,  
Conservation Clerk; Robert Murphy, Donald Garfield, Amber  
Slingerland, Deborah Slingerland, Len Jalbert, John Radner, Patricia  
Gosselin, Mark Gosselin, John Ciani, Stephen Soper

Committee Updates:

CPA - has held no meeting

Trail Committee - is having their work day this Saturday (18th) at 8:00 am, and will be working on the Leadmine property; We'll access from the Heins Farm parking lot so we don't trespass on the dam removal work site; rain date is Sunday (19th) at 11:00 am.

Lakes Advisory Committee – their meetings are done until the spring: DB suggested that the Sturbridge Lakes Report be posted on our website and also available at Conservation Office.

Walk-ins None

Public Hearings:

6:15 (Please note: Meeting video shows this hearing after the Willard hearing) Request for Determination of Applicability; 184 New Boston Rd; John & Cheryl Talamini; represented by J. Ciani Construction; Removal of existing deck and construction of a new deck within Riverfront Area. John Ciani presenting; JC submitted certified abutters list and proof of Legal Notice; Agent RG: this project is in the riverfront area; 100ft from stream; applicant is removing 2 smaller decks and building a large single deck; will have 8 new pilings; they will remove excess dirt offsite, this projects meets DEPs criteria as a "minor project", and therefore we are only addressing the local Sturbridge Bylaw jurisdiction. A drawing was shown indicating location of both old decks and new deck location and dimensions. DB: asked about spacing of floorboards; JC: this is composite wood, with 1/4inch spacers; water will infiltrate through;

- Motion (DB; 2nd PZ) to close Public Hearing and approve this project with 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 #5: The area described is subject to protection under the Act. Since the work

described meets the requirements for the following exemption, no Notice of Intent is required.

Vote: AIF (4:0)

6:30 Notice of Intent; DEP#300-1002; 12 Tantasqua Shore Drive; Stephen Santangelo; Represented by Jalbert Engineering, Inc.; Tight tank installation in the buffer zone.

Len Jalbert and Steve Santangelo present: Len Jalbert presented certified abutters list and Legal Notice tear sheet; LJ made note that 2 abutters' letters were returned as "undeliverable". LJ: this is a 2000gal tight tank, placement is adjacent to the existing shed; there will be no discharge on the property; system has 2 automatic alarm functions, one audio and one visual; Board of Health has issued and acceptance; it meets all Title V requirements; - only disturbance is for the immediate tank area; there is no other work being done on site. Project will be finished in one day; Agent RG clarifies that large maple tree is staying (confirmed); DB asked about maintenance reports: LJ clarified that yes, as part of the BOH permit, BOH will receive reports of maintenance.

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

6:45 Request to Amend Orders of Conditions; DEP #300-943; 139-140 Lake Rd; John Radner; Represented by Jalbert Engineering, Inc.; Request to amend OOCs to include raze and rebuild of house in the buffer zone. Len Jalbert and John Radner presenting: LJ explained that Mr Radner had an existing Order of Conditions for the repair of his retaining wall, which is unfinished, and cannot open a new Notice of Intent for his planned raze/rebuild project. JR: Plans for the shoreline retaining wall are basically the same, but may be amended to increase the number of drains. LJ shared plans -- Single family home, town sewer, private well, walkout basement with garage underneath, 2nd story will be living space. Significant grading to be done, parcel contains areas of steep slope. Zoning Determination regarding the non-conforming lot was approved by Zoning Board on Nov 15th. - Commission noted significant loss of trees and other vegetation, and extensive excavation for parking area and house... Would want to see generous replanting plan... -- DB also wants more information regarding the handling of water on the site; roof size stated as 22 x 32; drips strips seem inadequate; LG: drip strips are 3ft wide and 1ft deep; very adequate for water; DB concurred this larger size will be adequate -- EG is concerned with history of washouts on the road

- PZ and DB both stated their opinion that this is not an "amendment" but really a whole new project needing a whole new filing...

- Agent RG spoke with DEP and discovered that one property can have 2 DEP File #s.

- Sturbridge resident Tom Clark of 142 Lake Road spoke: is concerned with the amount of excavation on this site, especially because adjacent site is also planning significant excavation (upcoming hearing for 138 Lake);

- Len Jalbert requested a "withdrawal without prejudice"; they will finish the retaining wall project and then submit a new NOI for the house project. Commission consensus to accept this withdrawal.

7:00 Request for Determination of Applicability; 388 New Boston Road; John & Patricia Gosselin; removal of firewood for personal use. Patricia Gosselin present; PG submitted Legal Notice tear sheet and certified abutters list. Patricia explained their intent to enter their property to remove deadwood; they will be entering from the high point on the frontage of the lot; they intent to use a tractor with a bucket; property was logged 20 years ago, Agent RG: there is an intermittent stream on the property; it seems that you will need to cross that; We are concerned about rutting or other damage; DB suggested a "corduroy" crossing: Agent offered to visit site with the Gosselins to determine best route to take into the property.

- Motion (SC) to close the Public Hearing; 2nd (PZ); Vote AIF(4:0):

Motion DB): to approve this project with the addition of a corduroy crossing, and issue the following Determination:

- Negative Determination #3: The work described is within the Buffer Zone, but will not alter an area subject to protection under the Act. Therefore, the work does not require the filing of a Notice of Intent.

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

7:15 Notice of Intent: DEP #300-1001; 12 Gardner Ave; Donald Garfield; represented by Robert Murphy; Construction of a new single family house and septic system in the buffer zone. (*Continued from Oct. 19th*); Robert Murphy and Don Garfield present: new plan has been submitted: RM: Per our discussion at the last meeting, we requested and received permission from Mr Garfield's neighbor for a temporary construction easement for the grading work necessary to move the septic system; this revised plan now shows that with this shift, all construction and grading for the house and the septic is outside of the 50ft buffer. The erosion controls are now along the limit of clearing line.; We are proposing marking that line with permanent "signs" on posts: small metallic "medallions" (approx. 3inch rounds), posted every 25 feet along the 50foot line.

-- Agent RG: This plan seems to meet everything we discussed at our previous meeting...

- RM: Our previous drawing was really drawn up to address the septic system; so this one is much more detailed -

- EG: we would like to reserve ability to test that potential vernal pool in the spring - It would not change anything in this plan- but we do keep and inventory -

RM & DG both agree.

-- Motion (SC); 2nd (PZ) to close the Public Hearing; approve this revised plan dated Nov 16, 2017, and issue an Order of Conditions. Vote: AIF (4:0)

7:30 Notice of Intent: DEP #300-tbd; 138 Lake Road; Eric & Carol Willard; Represented by Jalbert Engineering; construction of house additions and related site work in the buffer zone. Len Jalbert representing; Submitted Legal Notice tear sheet and certified abutters list; LJ: this is an addition to a SFH; addition is on southern side; there is now a rock wall on that side; we will remove that wall and riprap, and regrade that area; will install a new wall (versa-lok) – about 17ft long - which will blend into the adjacent Radner property; there will be significant grading work- Owners want to create a yard in side area; excavated material to be used to fill area for proposed parking area.

SC: concerned with number of trees being taken and the amount of grading... EG: we will need a planting plan...

-- Applicant requests a continuation to next meeting; Commission consensus to approve continuation.

## Old Business

36 Goodrich Rd: Req for Certificate of Compliance; DEP File #300-711; Frederick Gunn; -- Agent RG: per discussion at SCC 11-2-17 mtg, the Commission was sent the correspondence from former agent Glenn Colburn to Mr. Gunn in mid-Sept outlining the findings of Glenn's inspection of the property. The agent still has not received any response from Mr. Gunn. The Commission requested that the Agent send a second letter, requesting a response stating his plans for bringing the site into compliance. In addition, it should be stated that lack of response to this second letter may result in enforcement action on the part of the Commission.

172 New Boston Rd. this was a site where possible dumping was reported; Agent did site visit on this week: materials seen were not very significant, and measurements show the area is outside of the riverfront area, so it is a non-jurisdictional area for us.

Old Towne Way: discussion continued from Nov 2nd mtg: this neighborhood association is seeking to have this street become a town road: Agent reported that the homeowners association has removed the debris and is doing all of the work requested by us and the DPW... We have found no Order of Conditions for this site, so we cannot issue a Certificate of Compliance. Planning Dept would like SCC to issue a "Memorandum" for this project. The homeowner's association has addressed our concerns, would like to issue Memo to Planning stating that we do not have issues with this road & its drainage.

- Sturbridge resident Tom Clark of 142 Lake Road spoke: said that the overflow area of the detention basin at the intersection of Lake and Old Town is being breached in heavy rains and water sheetflows over this property – it can be as much as 12 to 18 inches of water – and it then

runs into Lake Road. - The Commission advised him to seek out the homeowners association and referred him to discuss it with both the Planning Dept and DPW. Con com agreed that the homeowner's association addressed our concerns and to issue a memo to Planning stating that & to inform them and DPW of concerns raised by an abutter.

#### New Business

DB: Would like to discuss planned parking lot at 1 OSV Road trail head: The area at 1 OSV Road has been the landing area for the Hamant Brook Dam Removal Project. In the original plans for this project, this landing area was to be cleared for a full parking lot for trails access. We know that funding ran out for this portion of the project, and now only one-third of the area has been cleared.

DB spoke with Amy Singler of American Rivers (a project partner) about how they are currently using downed trees in the restoration area, laying them in the exposed silt and mud to hold back dirt and silt from running into the stream during rain storms...; eventually all will decompose naturally.

Trails would like to begin the project of cutting and stumping the trees remaining on the parking lot site, and add them to the restoration area under the guidance of the American Rivers professionals. The Trails Committee has funding for this work. Because this work was all approved under the original Hamant Brook Dam Removal project plan, we think it should not require any new permitting.

MOTION DB: To approve the placement of trees (stumps included) , which will be removed from the 2/3 balance of the planned parking area located behind the white fence on the Morgan Trail, into the restoration area. Commission vote to approve this 4:0

#### SIGNATURES

##### Requests for Certificates of Compliance

SIGNED DEP #300-989; 1 Old Sturbridge Village Road:

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SIGNED DEP #300-982; 173 Podunk Rd; E Hillman

SIGNED DEP #300-323; 21 Old Hamilton Road; R Peppard (PARTIAL to match the "as-built" plan submitted by applicant.

##### Orders of Conditions

These two Orders are being re-signed due to loss of original documents; original signatures are necessary for recording...

SIGNED DEP #300-985; 38 Warren Road

SIGNED DEP #300-984; 36 Warren Road

##### Request for Extension of Orders of Conditions

DEP#300-913; 77 Westwood Drive; Mark & Jodie Gosselin; Agent RG: this OOC recently expired; have spoken with DEP, who approved accepting this Request; The Extension is a request to finish prev approved work in the front of the house, but several thing were found that need to be addressed: there is a shed still on the neighbor's property that was to be moved back onto Gosselin's land; there are presently asphalt millings in the 25ft buffer; those will need to be removed; M Gosselin was unaware of problems using asphalt millings- is willing to correct all problems: Commission summarized as

follows: - move the shed to the location originally approve in 2014 OOC; then remove all asphalt millings from that area and loam and seed the area; - finish the wood retaining wall already begun; - move the boulders back onto the 25ft bz line; With these commitments in writing from MG, Commission voted to extend this OOC by 3 years. - Motion to approve request with conditions discussed; 2nd SC: Vote: AIF (4:0)

#### Approval of Minutes

October 5, 2017	Motion to Approve as submitted (DB); 2nd (SC); Vote: AIF(4:0)
October 19, 2017	Motion to Approve as submitted (DB); 2nd (SC); Vote: AIF(4:0)
November 2, 2017	Motion to Approve as submitted (DB); 2nd (SC); Vote: AIF(4:0)

#### Agent Report

- Winter Tree Scavenger Hunt: has begun, flyer has been posted; trees have been decorated by several departments;
- Forest Cutting Plan, Spencer Solar, Fiske Hill; We were not granted permission by the landowner to visit this site.
- Update: BOS Bylaw Regulation Review

Update from Agent: We were expecting to receive comments from the BOS on Monday the 13th, so that this Commission could read them and be prepared discuss them this evening, but at their meeting on Nov 6, the BOS decided it was a violation of the Open Meeting law to share their responses outside of a public meeting. So we have not yet received their comments. Their comments will be given to us at the upcoming BOS Meeting on November 20th.

Chair Ed Goodwin would like to discuss several topics regarding the Bylaw Regs:

- A letter was sent from Escape Estates to the BOS, which was forward to us from Leon G (Town Administrator) Leon has indicated that we should reply to this letter – We need to discuss how will this Commission will respond
- A mailing from Escape Estates that was sent to Sturbridge residents about our proposed Bylaw Regulations changes – the mailing contained many significant inaccuracies
- How we will handle the Board of Selectmen's Public Hearing regarding our Bylaw Regulations on this upcoming Monday night, Nov 20th at 6:35pm

Discussion was held regarding a response to the letter from EE to the BOS: EG favored drafting a response this evening, addressing issues contained in both the letter to the BOS, and the issues contained in the mailing sent to Sturbridge residents: EG expressed serious concern about allowing the inaccuracies in these correspondences to remain unaddressed – and suggested responding to these inaccuracies immediately, and sending this response to the BOS and copying Escape Estates.

-- DB, PZ and SC felt it was an error to respond to EE directly because the letter was not addressed to the Commission

DB stated that all of the Commission's work with this document over the last 2.5 years was done in Public Hearings, properly advertised and posted on our agendas. He stated there is a proper and correct process to be followed, and suggested staying on this path: ie: The Commission will receive comments from BOS, will review the comments and

will take them under consideration. When our work is finished, we will hold our own Public Hearing, properly advertised and posted, and take comments from at that time...

EG: BOS has posted their agenda as Questions & Answers for the SCC and for the public- how can we show up on Monday night with no comments?? We cannot sit through that meeting without telling the public - and the attendees who will show up because of this mailing - that this information is incorrect....

DB and PZ feel strongly that we should walk away with BOS comments and review and discuss consider these comments at a Public Hearing

Agent RG: think we should respond to BOS on Monday meeting about regarding the misinterpretations in this letter

Commissioner came to consensus to address inaccuracies in the EE correspondences on Monday night, but to take BOS comments away from the meeting to be reviewed and discussed in a Cons Commission Public Hearing at a later date.

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-- DB asked Commission about their willingness to make the change re SIGNIFICANT IMPACT: Board of Selectmen had made an initial comment to ConsCom about an edit in section 1.3, which removed the word "significant" from the phrase "no significant adverse impact" in the subhead and in the first and second paragraphs of that section. This was one of the points of contention raised in the communications from Escape Estates as well; PZ agreed that the Comm might want to reinstate the word "significant" and not let this point become contentious.

Commission agreed by vote (AIF) to return to the original language - no significant adverse impact" - to stop further controversy.

Motion to Adjourn (SC); 2nd DB: AIF (4:0)

*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*