

Sturbridge Conservation Commission

Approved Meeting Minutes

Rescheduled from June 4, 2019

Thursday, June 6, 2019

Present:

Ed Goodwin, Chairman
Steven Chidester, Vice-Chair
David Barnicle, Commissioner
Paul Zapun, Commissioner
Steve Halterman, Commissioner
Rebecca Gendreau, Conservation Agent

Also Present:

Matt Gagner, 152 Freeman Road
Glenn Krevosky, 601 Main Street
Josh and Rana Roy, 226 Roy Road
Edward Currier, 13 McGilpin
Peter Iott, 11 McGilpin
Buck Smith, 9 Blueberry Lane
Chad Maramo, 7 Blueberry Lane

Chairman Goodwin called the meeting to order at 6:00 pm.

6:00 PM Open Meeting – Quorum confirmed.

Committee Updates:

CPA – There was no quorum at the most recent meeting. However, there was no action to be taken so no impact. The committee will meet again in the next couple of weeks.

Trail Committee – The next meeting is scheduled for June 13th at 7:00 pm. This Sunday, June 9th at 10:00 am the Frost Group will hold a Yoga Walk on the Leadmine Trail. If successful may continue to hold in the future.

Open Space Committee – No report.

Lakes Advisory Committee – No report.

Walk-ins

Matt Gagner of 152 Freeman Road appeared before the Commission seeking permission to mow and bale an existing field located at Parcel #11 on Ladd Road. He informed the Commission that the previous owners mowed/baled the field and sold the product for commodity and presented a letter from them as verification. He noted that the field is within the 200 foot buffer zone but well over 50 to 100 feet from a wetland.

R. Gendreau: Advised the Commission that Mr. Gagner had approached her about mowing the field and she advised him to submit an RDA. She added that, if he could not wait for a formal permit he could appear before the Commission.

Commission: S. Chidester noted that if the field had been mowed over the past 5 years and used for a commodity then it meets any requirement. D. Barnicle suggested mowing up to the 200 foot buffer zone only. E. Goodwin stated that residents cut existing fields regularly without coming before the Commission. S. Halterman suggested having an RDA done providing the Commission with the opportunity to have conditions for the mowing.

M. Gagner: Advised the Commission that mowing only up to the 200 foot buffer zone line would leave half of the field uncut.

Action: On motion of S. Halterman, seconded by P. Zapun, the Commission advised M. Gagner to file and RDA but authorized him to mow/bale the field in the interim. Vote: 5-yes, 0-no, 0-abstain.

S. Chidester read the public hearing rules.

Public Hearings

6:15 Request for Determination of Applicability; 130 & 140 Fiske Hill Road; Represented by EBT Environmental Consultants, Inc. for Applicant Goulas, G., Allsworth LLC.

Documents Reviewed: Survey Plan

The property owner G. Goulas is interested in sub-dividing the lot to build two estate homes at the front of the parcel. He is here tonight with G. Krevosky for EBT seeking to certify 2 pools as vernal pools and to rule out the 3rd pool as a vernal pool. G. Krevosky cited his expertise in vernal pool identification and cited the existence of adult shiners and crawfish, and the fact that the pool does not and has not dried out, as proof that the third pool is not a vernal pool. G. Krevosky reminded the Commission that an ANRAD was filed for and an ORAD received for the property that is still valid. The 3rd pool is not on original plan as the owner was originally only looking at the front of the lot. The Survey Plan tonight only shows the portion of the 3rd pool that is on G. Goulas' property, he not a survey plan with the full pool could be obtained.

R. Gendreau: Informed the Board that she spoke with Natural Heritage regarding the 3rd pool. The Vernal Pool Biologist there provided her with recommendations on what to study to rule the pool in or out as a vernal pool. She is not confident that what he submitted is proof that an established breeding fish population exists in the pool. R. Gendreau suggested following the Natural Heritage Vernal Pool Biologist's recommended items to be verified, including proof of fish at all stages of life and the non-existence of egg masses, to rule the pool out as a Vernal Pool. R. Gendreau also inquired of G. Krevosky and G. Goulas if PERC tests had been done on the property to determine if the property was actual buildable. If that was not positive then further discussion is not warranted.

Commission: E. Goodwin asked the owner to provide a survey that shows the entire 3rd pool (even if on adjacent property) not just the side near the wetland. S. Halterman stated that the 3rd pool may not even matter if the he is only building on the front of the lot. He suggested that the owner should perform the PERC tests and develop a plan showing the subdivision lines so the Commission can determine whether or not discussion of the 3rd pool is even necessary. He added that R. Gendreau and G. Krevosky should go out to the site so he can show her where the property lines would be and depending on the line locations, so she could provide guidance as to the next steps if the pool is a vernal pool or is not a vernal pool.

G. Krevosky: Advised the Commission that the lot is flooded now due to a beaver damn making it hard to identify the limits of the third pool, perform the PERC test, or subdivide the lot at this time. They intend to trap the beavers when in season and allow the water level to subside first.

Action: R. Gendreau will provide G. Krevosky and G. Goulas with the Natural Heritage Vernal Pool Biologist's recommendations for additional proof that they could provide to rule the pool out as a vernal pool. R. Gendreau will do a site visit with G. Krevosky and/or G. Goulas. Once the beaver issue has been addressed and the water level has subsided, G. Krevosky and G. Goulas will work the boundaries at the front of the lot to see how they can subdivide the lot for home building and will perform a PERC tests based on those lines to determine the ability to build or not. On motion of S. Chidester, seconded by S. Halterman this matter is continued to the June 18, 2019 Conservation Commission Meeting. Vote: 5-yes, 0-no, 0-abstain.

6:30 Request for Determination of Applicability; 55 South Shore Drive; Installation of an in-ground pool within a developed yard; Facticeau, P.

Documents Reviewed: Site Plan

The homeowner has submitted an RDA for the installation of an in-ground pool within a developed yard. The site is an existing SFH with an above ground pool with an isolated wetland on the side. The removal of 2 additional trees destroyed by gypsy moths is being requested as well. Said trees will be dropped and left on-site.

R. Gendreau: Suggests approval include typical construction conditions i.e. erosion control measures, pre-construction meeting, require natural vegetation be left around the work zone.

Commission: S. Chidester noted a site visit yielded yard work appeared to be dumped in a depressed area and he would like that cleared out.

Action: On motion of D. Barnicle, seconded by S. Halterman the Commission approved the RDA for the installation of an in-ground pool with developed yard with the caveat that dumping in the depression is prevented. **Vote:** 5-yes, 0-no, 0-abstain.

6:45 Notice of Intent; DEP File #300-1033; Continued from May 21, 2019. 11 McGilpin and 6 Apple Hill Road; Construction of a single family house, associated appurtenances and the installation of a sewer and water line; Iott, P.

Documents Reviewed: Revised Site Plan

Per the Commission's request at the last meeting P. Iott has submitted a revised plan for the project. Revisions include an extended infiltration trench for the driveway runoff and detailing of how the house gutters are to tie into the dry well. In addition, P. Iott provided an engineer's confirmation of the upland to wetland percentages meeting the 90/10 ratios. Town Planner J. Boubon also confirmed that the lot was divided in the 1980's confirming it is indeed grandfathered in to the authorization to build on the lot even if it did not meet the 90/10 ratio. P. Iott is aware he will need to work with the Town to obtain a driveway permit and to coordinate the install of the driveway. Further he acknowledges that additional storm-water control features may be requested at that time.

R. Gendreau: Advised the Commission that P. Iott has presented a plan that meets all of the Commission's requests at the last meeting. She noted that the driveway is well pitched towards the trench.

Commission: D. Barnicle restated his preference for the development of the site to be outside the 100 foot buffer zone or at the least further from the 50 foot mark. S. Halterman reminded the Commission that he can construct within the 100 foot buffer zone if the Commission authorizes it. Adding that there is plenty of vegetation around the work zone. S. Chidester suggested adding a condition that the vegetated area is a "no touch" zone so that it does not turn into a lawn in the future. D. Barnicle stated that he would like that condition to be a perpetual condition continued with the sale of the property in the future.

Public: E. Currier of 13 McGilpin asked if the property had met the 90/10 upland/wetland ratio. The Commission affirmed that it had met the ratio, adding that since the lot was divided in the 1908's it is also grandfathered in as buildable. He suggested if Mr. Iott built a smaller home he could move it further from the 50 foot mark. Lastly, he noted that the only person who could build on the lot is Mr. Iott as it is unsuitable for septic and the sewer line must pass through Mr. Iott's lot to get to the McGilpin lot.

Action: On motion of P. Zapun, seconded by S. Halterman the Commission Approved closing the public hearing. **Vote:** 5-yes, 0-no, 0-abstain. On motion of S. Chidester, seconded by S.

Halterman, the Commission approved DEP File #300-1033 as amended with the new site plan revisions including an extended infiltration trench for the driveway runoff and detailing of how the house gutters are to tie into the dry well, along with the Commission's standard conditions and the condition that the clearing around the work zone is limited to that shown and the adjacent area remain a vegetated area in perpetuity. **Vote:** 4-yes, 1-no (Barnicle), 0-abstain.

Old Business

- **DEP File #300-964; 226 Roy Road, Roy, J.**

While at a site visit for an adjacent property requested by J. Roy, the property owner of 226 Roy Road, R. Gendreau advised J. Roy that there is an open permit for 226 Roy Road valid for three more months that needs to be closed out noting the existence of a driveway that was not on the original plan.

R. Gendreau: Informed the Commission that the original project permitted included a temporary driveway to be utilized by construction vehicles during construction and removed after project completion. It appears that temporary access has not been removed since construction was completed and had even enlarged to form a roundabout driveway. She also noted that during the most recent site visit the Commission witnessed debris in the wetlands and clippings dumped along the road.

J. Roy: At the request of the Commission, J. Roy appeared before the Commission regarding the open permit on the property. He informed the Commission the debris noted had blown in during the recent storm and the clippings were not of his doing or on his property. J. Roy informed the Commission of his potential interest in keeping the “temporary” driveway citing its use by DPW and School Buses as a turn-around.

Commission: S. Halterman stated that the Commission would not have approved asphalt millings for a permanent driveway. E. Goodwin agreed citing the NJ Dep findings that carcinogens are released from millings that are not completely compacted and make their way into the water table. D. Barnicle noted that it was to be removed after construction regardless of the material utilized and returned to herbaceous growth as it is at the water’s edge. The commission agreed that they do not want vehicles that close to the water as oil and other vehicle byproducts can get into the water.

Action: The Commission advised J. Roy that he would need to execute the plan that was put in place when the permit was issued i.e. remove the driveway if the project is complete. If he intends to deviate from the approved plan he would need to formally ask for an amendment prior to the expiration of the permit and/or formally request an extension if needed.

- **179 Main Street – Parking Lot and Stormwater Management**

Continuation from last meeting regarding ongoing sediment basin creation discussion to address water runoff issues at the property. At the last meeting a plan was presented by Bertin Engineering that propose channeling the run-off water using stone, rip rap and swales to channel the water to the large catch basin allowing the water to be absorbed slowly into the ground.

Agent: R. Gendreau advised the Commission that the project team was not attending tonight’s meeting. R. Gendreau, S. Halterman, C. Eaton (CME Engineering), B. Tully (Owner) performed a site visit and walked the whole site including beyond the parking lot. R. Gendreau advised the Commission that the plan proposed last meeting was no longer an option as it had not taken into account the water table and is not feasible. New ideas were discussed at the visit including trenches around the edge of the parking lot and underground infiltration, and roof run off leading to a dry well, and removing/replacing the millings. Bertin Engineering informed R. Gendreau that the bales at the site are in proper condition/performing properly, and he does not feel this property is causing all of the water issues beyond the site. Test pits for an infiltration system around the edge of the lot will be performed and the results should be ready for the next meeting.

Commission: S. Chidester asked if the basin is completely off the table. R. Gendreau advised him it is as the project team had flagged a wetland in the proposed area. D. Barnicle stated he wants clearer identification of where the roof run off goes.

Public: C. Maramo of 7 Blueberry Lane stated that he walked the site with the engineer as well and since there had been no recent rain it was difficult to find the water path. He did note his belief that the pipe empties to 5 Blueberry Lane. Adding that the newly flagged wetland now affects his property as well. B. Smith of 9 Blueberry Lane expressed his concern about the existing asphalt millings and their byproducts seeping into the water. He asked if removing the millings would lead to more problems i.e. carcinogens being released when the compacted millings are broken up. C. Maramo produced a letter from the Conservation Commission dated 2012 advising the owner what can/cannot be done at the property and what needs to be done to close out the project. He added that he also approached the Planning Dept. for as-builts for the property but they could not be located.

Commission Reply: E. Goodwin advised the residents that at the time the property presented renovation plans to the Town they included only a small amount of work within the Conservation Commission’s jurisdiction. S. Chidester added that the original plans approved the use of gravel, not millings, in the back lot. Since a violation was brought to the Conservation Commission’s

attention, other issues have been identified within the Conservation Commission's jurisdiction, including stormwater management and roof run-off issues that the Commission is working to resolve. Regarding the possible removal of the millings, E. Goodwin advised B. Smith that the Commission would require the contractor to install wetland protection measures, and the millings would be removed from site upon pick up. E. Goodwin stated that testing for the newly identified stormwater management system will take place next week and the Commission will wait for those results before proceeding further.

Action: Continued to June 18, 2019 meeting.

Request for Certificate of Compliance

- **DEP File #300-985; 38 Warren Road, Goddard, S.**

Request for a Certificate of Compliance for the above property due to an upcoming sale.

Agent: Advised the Commission that the project is not fully stabilized at this time and recommend not approving the Certificate of Compliance. R. Gendreau will provide the homeowner with a letter that says the Owner appears to be meeting all the conditions to receive the Certificate in the future so they can proceed with their sale.

Action: Commission post-pone issuance of the Certificate of Compliance.

Emergency Authorizations

- 70 Holland Road, Beaver Solutions & Department of Public Works

Three existing beaver damns. Raised water levels threaten overflow onto the road. The installation of a water flow device is the chosen solution. Beaver Solutions will install the water flow devices in two of the three damns.

Agent: R. Gendreau seeking the ratification of the Commissions prior emergency authorization approving the water flow devices in two beaver damns on Holland Road.

Action: On motion of S. Chidester, seconded by S. Halterman, the Commission ratified their Emergency Authorization of the installation of water flow devices in beaver damns on Holland Road. Vote: 5-yes, 0-no, 0-abstain.

New Business

- Wetland Funds Appropriation FY20

Allocation of \$6000.00 funds from the Wetland Fund for use in FY 2020 Salaries (Administrative Assistant).

Action: On motion of D. Barnicle, seconded S. Halterman, the Commission approved the allocation of \$6,000.00 funds from the Wetland Funds for Salaries for FY 2020. Vote: 5-yes, 0-no, 0-abstain.

Old Business (cont'd)

- **St. Anne's Cemetery, 33 Arnold Road; Diocesan Cemeteries of Worcester**

Enforcement letter to St. Anne's regarding the dumping of excess soil/stone etc. on the right side of a drive aisle adjacent to a slope leading to a wetland which must be removed. The Enforcement order asks the Diocese to address the issue immediately by installing a barrier to prevent the soil pile from eroding off the banks and to submit a plan for removal of the stock piled soil.

Agent: R. Gendreau has been working with the Diocese to get the piles removed, which they agreed to do. She advised them to inform her prior to the removal so she could ensure protection measures were in place. They did not inform her beforehand. R. Gendreau visited the site after and noted that wattles had been put in place and the site had been seeded. R. Gendreau stated that she will follow up with the Diocese advising them that an NOI is not requested, however a letter of commitment and a restoration plan is needed.

Commission: In case the Diocese does not file the NOI, the Commission asked R. Gendreau to have the Diocese send a letter acknowledging what can be stockpiled and where they are allowed to stockpile it on the property.

- **MA DOT; MA Pike and Cedar Lake**

Drainage issues from failing MA DOT drainage systems near Cedar Lake. One drainage area put in place months ago has already deteriorated. Across the lake to the original swale near Mr. Lincoln's property to view the eroding asphalt in the drainage area. At a swale along the North side of the lake, Hamilton Pond, the asphalt tunnel is eroding and flowing down the bank. MA DOT agreed that these items need to be addressed but stated that a short term fix would need to be put in place until funding for a long term solution could be obtained.

Agent: R. Gendreau advised the Commission that the MA DOT meeting had been moved so there were no new updates from meetings. She did speak with Peter Reed of BSC Group. While he did not provide a written update he did inform her that they were working on the failing swale. She reminded him that the other areas of concern need to be addressed as well. R. Gendreau asked the Commission if any members would be available to join her at the June 28th meeting with MA DOT at the District Office in Worcester that State Rep. A. Gobi and T. Smola will also attend. S. Halterman advised her that he will attend the meeting on behalf of the Commission.

- **Hamilton Rod and Gun Club/Rampco, 24 Hamilton Road**

Commission: E. Goodwin stated that he received a citizen complaint with a picture of silting by the road.

Agent: R. Gendreau advised the club that water is going under the stone and straw bales and running down to the stream. She added that she needs to know what their intent for the overall stabilization plans are for the property.

Commission: S. Chidester stated that the open soil area needs to be stabilized with vegetation and they need to direct the stormwater to the catch basin.

- **173 Main Street & MA DOT – Parking Lot and Stormwater Management**

Stormwater pipe on this property may be the principal issue effecting Farquhar and Blueberry Lane. At the last meeting the Commission asked R. Gendreau to review the plans and any conditions placed on the property at the time of building adding that Sturbridge may be able to monitor and enforce any conditions. R. Gendreau advised the Commission that MA DEP closed out the project without any perpetual conditions for land use on a property with a high pollution load and a stormwater management system. The Commission asked R. Gendreau to send a letter to MA DEP advising them that the Commission had witnessed pollutant/environmental violations at the site and that the property needs to be maintained but there is no conditions to address the issues.

Agent: R. Gendreau issued said letter to MA DEP on May 29th with no reply to date. She also advised MA DOT that the pipe /swale located there should have included an infiltration trench and it appears it is not. She added that we are working with the property owners to address water issues but this is not theirs to address. R. Gendreau will send a letter to the property owner asking him for his maintenance logs to ensure maintenance is being done and that the storm sceptor (oil/water separator) is being cleaned. The engineer checked the catch basin and made a suggestion to use crushed stone so the water filters through better instead of toppling over.

- **Hobbs Brook Plaza, 100 Charlton Street, Retaining Wall**

Failing retaining wall that needs to be repaired or replaced. If the wall needs to be replaced, will need to file a Notice of Intent. New property owner, located in AZ.

Agent: Performed a site visit with Building Inspector, N. Burlingame, the property owner, and their landscaper (will maintain the silt fence and was there to see what need to be done). R. Gendreau supplied the new owner with a copy of the original plans. She advised the owner, and the Commission now, that an engineer's report from 2016 suggested a Geotechnical Engineer review the site as well. This was never done. The new owner had a Geotechnical Engineer on-site yesterday and his report should be back in a few days. Borings will also need to be scheduled in order to see what is going on behind the wall. R. Gendreau advised the Commission that they are not in a resource area yet.

- **DEP File #300-972; 3 Ladd Road**

Removal of 39 trees without permission.

Agent: R. Gendreau advised that the owner was to submit a revised restoration plan but was unsure if she would receive one. She will schedule a site visit for next week and ask the owner to be in attendance.

New Business (cont'd)

- **2 Ladd Road, Unpermitted tree removal**

Removal of 12-20 trees with no permission.

Agent: R. Gendreau reported that the owner has been working with the Conservation Dept. to submit a restoration plan. She has received a plan from the landscape company, Newfound Landscape Construction of New Braintree. The submitted plan includes the planting of 12 Red Maples, and 3 Dogwoods on the eastside where the currently felled maples trees and brush will be removed and cleaned to create a native plantable area for forestry restoration native to this location whose rooting will stabilize the soil and prevent erosion. The other side will be loamed and seeded to prevent soil erosion. R. Gendreau replied to the owner that she would present the proposed plan to the Commission and a site visit would be needed before a plan could be approved.

- **Asphalt Millings Discussion**

Postponed until next meeting.

Agent: Although discussion was postponed, R. Gendreau did advise the Commission that DPW asked for permission to use millings on Goodrich Road. Currently part of the road is paved and the rest is millings. This is outside the 200 foot buffer zone but she wants the Commission to visit the site prior to authorizing use.

Commission: S. Halterman asked if R. Gendreau had spoken with DPW since the last meeting. She advised that she had and that she showed him how the millings were already breaking down and becoming a problem.

- **MA DOT, Route 20, Quinebag River**

Trees are moving/shifting; in the event that the root base moves the trees will go down the bank.

Commission: S. Chidester asked if we see and expansion of the alluvial fan into the river. R. Gendreau replied that it does not appear so.

- **Pine Lake Campground - Campground Renovation**

Agent: Campground representative came in with Lutt Design. They requested they become the independent environmental monitor for the project site to the Commission. They provided their credentials for review by the Commission. R. Gendreau reminded the Commission that our permit to Pine Lake required an Erosion Control Monitor and an independent Environmental Monitor providing a weekly report. She also reported that she visited the site recently and they were working on stormwater management near the building and not near the lake area.

Commission: Asked if they had any environmental experience, have they ever completed a SWIP before? Also, who is paying for them?

Action: After review of their credentials the Commission agreed to let the proposed persons proceed as the environmental monitors and submit their first report for review by the Commission, and advise Pine Lake that the Conservation Commission reserves the right to reply after review of that report to make final decision as to whether they can continue as the monitor thereafter.

- **27 Ladd Road / 508 International LLC**

A representative of an adjacent parcel reported to the Conservation department that 508 International LLC are now using ATV's on the trails.

Commission: S. Chidester spoke with a participant of 508 International's recent Spartan Run who said the run went through several wetlands. HE added that the State approved the original plan submitted by 508 International, but that they did not construct the course according to the original submitted plan. The State has said this issue is not their jurisdiction. The Commission suggested using an official GPS at the site to determine if the property in question is in Sturbridge or not and act accordingly based on that determination.

Agent: R. Gendreau advised the Commission that she spoke with Charlton Conservation and they will attend the next site visit. She informed the Commission that 508 International will not be in tonight but should be at the June 18 meeting with their proof that they are not on Sturbridge Property.

Action: Continued to the June 18 meeting.

New Business (cont'd)

D. Barnicle advised the Commission that the Girl Scouts have requested a special use permit for the Leadmine property for their regular meeting. He added that this is the same group that developed the fairy houses and put up the naturalized fences.

Action: Consensus vote: 5-yes, 0-no, 0-abstain.

Agent Report: No further items to discuss.

Site visit schedule: No further information to report.

Next Meeting Dates: June 18, 2019; July 16, 2019, August 20, 2019. The Commission also confirmed that due to the September 2nd Labor Day holiday and the September 10th Planning Board Meeting, the September meeting will be held on September 17, 2019.

Adjourn: On motion of S. Chidester, seconded by D. Barnicle, the Commission adjourned at 9:01 pm. Vote: 5-yes, 0-no, 0-abstain.