

# Sturbridge Conservation Commission

## Meeting Minutes

Tuesday, October 16<sup>th</sup>, 2018

*Approved 11/6/2018*

EG called the meeting of the Conservation Commission to order at 6:00 PM.

Present: Edward Goodwin, Chair (EG)  
Steven Chidester, Vice Chair (SC)  
David Barnicle (DB)  
Paul Zapun (PZ)

Absent: Steve Halterman (SH)

Also Present: Rebecca Gendreau, Conservation Agent (RG); Ashley Piascik, Administrative Assistant (AP); Tom Faxon (TF); Tom McConnell (TM); Russ Kelcourse (RK); Leigh Darrin (LD); Andrew Baum (AB); Frank Bicchieri (FB); Jim Smith (JS); Andre J. Cormier Sr. (AC Sr.); Andrew J. Cormier Jr. (AC Jr.).

### Committee Updates:

CPA: Will be meeting at the Town Meeting at 6:30 PM.

Trail Committee: Moved meeting from last Thursday to Monday night this week.

Plimpton Property work will be done as well as maintenance of trails at Leadmine this upcoming weekend.

Open Space Committee: None.

Lakes Advisory Committee: None.

*Approval of minutes:* Minutes from October 2, 2018 meeting will be reviewed at the November 6<sup>th</sup> meeting.

### Public Hearings

6:15 **Request for Determination of Applicability;** 34 Cedar Lake Drive; McConnell, T.; Replacement of a failing retaining wall.

*Abutter notification and legal advertisement tear sheet provided.*

Summary: Upland timber failing retaining wall. Looking to replace with a stone wall. Not planning on stockpiling soils on site. No anticipation of concerns moving forward with general use of construction conditioning. Recommended that we approve the project with conditions under the WPA and local Bylaw.

#### Comments:

- Not on the lake? Correct.
- Soil is being removed off the property.
- Any trees being removed? No.
- Recommend a positive # 5, positive 2b stating the resource area delineation is not verified by this and negative #3.

--Motion (DB): 2<sup>nd</sup> (PZ) to close the public hearing, VOTE: AIF (4-0).

--Motion (DB): 2<sup>nd</sup> (PZ) to approve with the conditions provided by the Conservation Agent, VOTE: AIF (4-0).

6:30 **Request for Determination of Applicability;** 50 Mt. Dan Road; Gajewski, K.; Replacement of an underground drainage pipe.

*Abutter notification and legal advertisement tear sheet previously provided.*

Summary: TF representing the client. Underground pipe 10-12 feet that is a few decades old. Collapsing under the road. Looking to replace with same size in length, with something that will last longer.

Comments:

- Length of the pipe? About 10-12 feet, it daylights on both sides.
- DB recommended speaking with Greg from DPW for assistance, even though it is a private road.
- Include a small splash pad of riprap at outlet of pipe (2 x 2).
- Try not to schedule this work during forecasted storms to avoid potential for erosion
- Positive # 5, positive #2b negative # 3.

--Motion (DB): 2<sup>nd</sup> (PZ) to close the public hearing, VOTE: AIF (4-0).

--Motion (DB): 2<sup>nd</sup> (PZ) to approve the plan and indicate the recommendations for conditions from the Conservation Agent that were discussed, VOTE: AIF (4-0).

6:45 **Request for Determination of Applicability;** 30 Mt. Dan Road; Fiorucci, K. Repair and replacement of drainage structures.

*Abutter notification and legal advertisement tear sheet previously provided.*

Summary: TF representing the client. There are a couple catch basins, a connecting pipe and another pipe that run across and daylights across the property. Looking to replace failed catch basins and pipe with something a little bit stronger.

Comments:

- Plan to use cast iron or concrete for pipe.
- Catch basins are backed up now make sure maintenance is performed.
- Same conditions for work at 50 Mt Dan project.

--Motion (DB): 2<sup>nd</sup> (PZ) to close the public hearing, VOTE: AIF (4-0).

--Motion (DB): 2<sup>nd</sup> (PZ) to approve the plan as indicated VOTE: AIF (4-0).

7:00 **Abbreviated Notice for Resource Area Delineation; DEP File#300-TBD;** 550 Route 15; Smith, J.

*Abutter notification and legal advertisement tear sheet provided.*

Summary: AB presented a DEP BVW data sheet for one specific area and described the resource delineation area. There was discussion about the following steps. The Commission has agreed to wait until there is a DEP File # to proceed with further discussion and decision making.

Comments:

- Conservation Agent gave her input from her site visit.
- There are questions with the filing from DEP that need to be addressed.
- Additional information will likely be required to proceed with this review.
- Con com was just provided with DEP BVW sheets. Will review.
- Question about vernal pool habitats and isolated wetland jurisdiction. May require additional information to determine jurisdictional status.
- Advisable for a second opinion for a soil scientist to view certain areas.
- Suggested to have more supported information, another person to look at volume calculations and soil scientist to view the flagging.
- Clearing on-site occurred prior to jurisdictional status confirmation of resource areas. Applicant hired a consultant to review site and report was generated in 2017. Applicant concerned with issuance of cease and desist and requested to have it released. They do

not believe that they have worked in conservation's jurisdiction based on consultant's report. Asked to have cease and desist removed from Lots 4 & 5.

- Extent of jurisdiction may exceed areas delineated by applicant's consultant.

--Motion (SC): 2<sup>nd</sup> (DB) to release lots 4 and 5 on the Cease and Desist, VOTE: (2-2) PZ and DB voted against. Cease and Desist not released.

*Public hearing is continued due to the DEP File # not having been issued to date.*

7:15 **Abbreviated Notice of Resource Area Delineation; DEP File#300-1017; 10/16; 14 & 50**  
Douty Road; P. O'Connell; represented by Bertin Engineering, Inc.; Confirming the extent of wetland resource areas.

Summary: On October 5<sup>th</sup>, SM provided an updated letter to the changes that were made to the plan. FB went over the findings from the third-party review as well as EcoTec and what they agreed upon. Consultant determined soil do not meet criteria for hydric soils. Applicant and representative have revised ANRAD plan to reflect third party review suggestions except not delineating area in northern field. However, a continuation will take place at our next meeting on November 6<sup>th</sup>, 2018.

Comments:

- Commission is concerned with lack of supporting documentation/information on the data collected from the applicant's consultant to support his findings.
- Previous GZA report documents soil samples and vegetation. Con com had performed site visit with GZA to review area.
- This section of the field was mowed despite being instructed to do so.
- Observations of area holding water during the growing season.
- Con com requires additional details on hydrology.
- Show there is no observation of hydrology.

*FB requested for a continuation to our next meeting.*  
VOTE: AIF (4-0).

7:30 **Notice of Intent; DEP File#300-1018; (Continued from 10/16/18);** Douty Road and Stallion Hill Rd.; O'Connell, P.; Represented by Bertin Engineering, Inc.

Summary: FB spoke with Greg from DPW to try to receive a letter of approval of plans. Requested for a continuation. Subsequent to a selectman's meeting.

*FB requested for a continuation to our next meeting.*  
VOTE: AIF (4-0).

**Old Business**

- MA DOT update on Enforcement Order

Comments: MA DOT was not able to make it to the meeting. The Commissioners reviewed the current standing. The scour hole has not been addressed. Some work was done, but not all. DB suggested that the Conservation Agent sends a letter in regard to MA DOT because they are not addressing items in the Enforcement Order. Copy has to go to superior, because action has not taken place. Send a copy to Ann Gobi, Tom Smola and DEP.

-Leigh Darrin: Lake Association is willing to assist as needed.

- Bylaw Regulation Discussion

Comments: Discussion about changing the filing fee structure was briefly discussed. RG had a few revisions in regard to two sections. The first section was Section 6.1. Took out the second

and third sentence and added in the reference to the Zoning Bylaw. This lets people know that it is a requirement under the zoning bylaw. The context is similar to what it was prior. The second section change was under the Section 4.16. Language was added from the Wetland Bylaw and language was removed in relation to the fining structure. (All revisions will be shown in a red-lined document which will be available to the public).

Changes were approved. VOTE: AIF (4-0).

- Plimpton Property Trails

Comments: A meeting was held on Monday with representatives from Opacum Land Trust, a representative from the Trails Committee, the Conservation Agent and a member of the Conservation Commission. Discussion of trails is in progress.

#### New Business

- Filing fee structure discussion

Comments: Conservation Agent suggested removing the dollar fee amount in our regulations. This was suggested so that when/if the Commission would like to revise the fee structure it would not require a Regulation change. Minor discussion took place.

- McGargle Road: A complaint was received that a culvert and/or culvert replacement was put in by neighbor approx. 20 years ago without Conservation approval. The commission advised for the Conservation Agent to contact the owner of the property and ask to take a look.

#### Signatures

##### Request for Certificate of Compliance

- DEP #300-716; 286 Big Alum; Casaubon, J. *Signed.*

Comments: Partial, COC. Property owner is selling off a small portion of land to abutter. Asked to release the OOC from the parcel, in order to be able to sell the land. This portion of the property is not affected by the OOCs. Owner will be submitting for a Complete COC once a report is produced from the engineer.

#### Letter Permits

- Tree Removal Permit Application: 88 McGargle; Yiznitsky, J.  
Approved, VOTE: AIF (4-0).

#### Informal discussion:

- FROST: 500 dollar gift was given to the town, it was passed by the membership in 2017, idea was to take 50% of dues made to build up a shed so it can be used up for tools. Approved and wrote out check and sent out the note to Barbara Barry, which will be set up for the trails committee for tools.

--Motion made by SC to adjourn at 8:16 PM, 2<sup>nd</sup> by DB.