

Sturbridge Conservation Commission

Approved December 18th, 2018

Meeting Minutes

Tuesday, November 6th, 2018

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

6:00 PM Open Meeting – Quorum check

Present: Edward Goodwin; Chair (EG)
 Steven Chidester; Vice Chair (SC)
 David Barnicle (DB)
 Steve Halterman (SH)
 Paul Zapun (PZ)

Also Present: Rebecca Gendreau, Conservation Agent (RG); Ashley Piascik, Administrative Assistant (AP); William Clougherty (WC); Rob Cerny (RC); Peter Reed (PR); Corey Schutzman (CS); Raoul Ricard (RR); Leigh Darrin (LD); Michael Glabicky (MG); Christopher Glabicky (CG); Leonard Jalbert (LJ); Bob Murphy (BM); Andre Cormier Senior (ACS); Scott Morrison (SM); Loraine Herbert (LH); Andre Cormier Junior (ACJ); Cliff Gibson (CG); Andy Baum (AB); Brian Waterman (BW); Frank Bicheiri (FB); Cheryl McKeon (CM); Chris DeRose (CR).

Committee Updates:

CPA: Met at the town meeting. No new information was discussed. Had a meeting in case decisions had to be made.
Trail Committee: Meeting on Thursday November 8th.
Open Space Committee: None.
Lakes Advisory Committee: None.

Approval of minutes: October 2, 2018, October 16, 2018, Various Working Sessions from April 2016-May 2017

-- Motion (SC): To approve the above minutes, 2nd (EG), VOTE: AIF (5-0).

Public Hearings

6:15 **Notice of Intent: DEP#300-TBD;** 118-124 Leadmine Road; Installation and relocation of utility poles; Represented by BSC Group Inc., for applicant, Massachusetts Electric Company d/b/a National Grid (MECO).

Summary: CS presented from BSC Group on behalf of the applicant, in relation to the relocation of utility poles along the road located by the Leadmine Lane community. A total of four old wooden poles are looking to be removed, all of which are located within the river front and buffer zones.

Comments: RG does not anticipate any concerns, will bring improvement to resource areas. Minimal impact to riverfront (tree trimming and removal). Condition project during work to include flagging trees that need to be moved and identify those trees at the pre-construction meeting. Questioned issuance of DEP File #. Was not provided to con com by DEP. Was able to lookup online and found during meeting.

- RC an abutter on Leadmine Rd. shared homeowner concern with pole location and resource area. Asked for pole to be shifted approx. 15 feet (further from resource areas) due to parking concerns.

- DB: Are the poles going to be the same height? Yes.
- No new plan required, revision will be noted as condition in permit. Minor adjustment was made at the meeting and noted.

-- Motion (DB): 2nd (SC) to close the public hearing, VOTE: AIF (5-0).

-- Motion (DB): 2nd (PZ) to approve the plan as discussed, VOTE: AIF (5-0).

6:30 **Notice of Intent: DEP#300-1026;** 114 Lane Ten; Single family house addition and proposed stairs to lake; Represented by Robert Murphy and Associates for applicant, Zuidema, J.
Summary: RM presented on behalf of client. Received a letter from Natural Heritage. No concerns. House addition work is outside of 100 foot buffer zone. There is a right of way that goes down to the water which they have been using for several years to access lake. Requesting to install stairs on steep slope. Approx. six trees to be removed for stairs. Requested large leaning tree by water to also be removed.

Comments: RG does not anticipate any major concerns. Installation of stairs would decrease likeliness of destabilizing slope with foot traffic. Inquired about utilizing the existing disturbed area for stairs to avoid vegetation removal. Addition proposed within outer buffer zone and within area appears to be utilized as yard. Many trees located along slope. Would not recommend additional trees. Understory vegetation may be suitable.

- The right of way is on the other property. Specifically says there will be no structures on it.
- Additional of mountain laurel plantings would do well here. Can develop plan for that once trees are removed and stairs installed.
- What type of foundation for addition? Full foundation.
- Question location for stockpiling. Recommend remove from site.
- Size of the deck landing? 4 feet. Deck is a level area in the steps. Recommended on long stretches of stairs in case someone falls. The walkway is 4 feet, deck 4 feet; turn is 4 feet by 9 feet.

-- Motion (DB): 2nd (SH) to close the public hearing, VOTE: AIF (5-0).

-- Motion (DB): 2nd (SH) to approve the plan including the addition of mountain laurel plantings (include as condition; plan to be developed), VOTE: AIF (5-0).

6:45 **Request for Determination of Applicability:** 19 Woodside Circle; Single family house addition; Represented by Jalbert Engineering for applicant, Herbert, L.

Summary: Small addition on the back of the house and into the kitchen. To accommodate the utility function of the kitchen. 3 foot five by 19 foot six the other way. Cellar area will be extended out. Stairs will be staying where they are. Will remove drainage pipe.

Comments: Small project, no major concerns. Work is proposed within existing developed and maintained yard and patio. Pleased to see the pipe will be removed as roof runoff could/was previously directly discharged into resource area. Incorporate conditions during construction. Make sure there is no impact during construction.

-- Motion (DB): 2nd (SH) to close the public hearing, VOTE: AIF (5-0).

-- Motion (DB): 2nd (SH) to move that we issue a negative number 3, positive 2b and 5, VOTE: AIF (5-0).

7:00 **Abbreviated Notice for Resource Area Delineation; DEP File#300-TBD; Continued from 10/16/18;** 550 Route 15; Confirming the extent of wetland resource areas; Represented by WDA Design Group for applicant, Silvertree Realty, Inc. (Smith, J).

Summary: Represented by BW the Wetland Specialist. Revisited the site and have addressed DEP previous concerns. One of the main concerns was delineation of the perennial stream. Shows that it is perennial, therefore needs to be treated as a perennial at this point. Mean annual high water line delineated and shown on the plan. DEP commented on the flood plain, it is a mapped elevation by FEMA. Show the elevation and put a reference note to show what part of the map it came off of. Provided results of soil testing.

Comments:

- RG: DEP issued File # today with comments. DEPs listed concerns on email in regards to the delineated riverfront. This needs to be addressed with DEP. Main concern with results from BW within the agricultural area. This area was historic agriculture. Review of historic aerial photos, site visit and evidence of hydrology and vegetation within sample areas raising concerns. Recommends a third party review to further investigate this area before ruling this area out as a resource area. Would also recommend a third party to review calculations for isolated wetlands for accuracy as engineer is the property owner and applicant. Areas may have capacity for vernal pool habitat which would require specific examinations not applicable at this time of year. Areas are small but still requires review pursuant to the local bylaw.
- EG: See if there are vernal pools in the Spring. Concern with the third-party review, the area is part of an old farm and is damaged.
- SH: Appears delineation acceptable and accurate. Would recommend approving delineation and removing cease and desist.
- DB: Soil results only from augering? Dig actual hole? No, just auger. 20 inches deep.
- SC: Concern with delineation. Agrees with Agent.

-- Motion (SH): 2nd (PZ) to close the public hearing, VOTE: AIF (5-0).

-- Motion (SH): 2nd (DB) to accept the delineations and removal of cease and desist, VOTE: AIF (4-1); SC not in favor.

7:15 **Abbreviated Notice of Resource Area Delineation; DEP File#300-1017; Continued from 10/16/18; 14 & 50 Douty Road; Confirming the extent of wetland resource areas; Represented by Bertin Engineering, Inc., for applicant O'Connell, P.**

- Summary: FB allowed for SM to lead the discussion with his investigation of the depression on the North side of Douty Road. SM presented his written report and summary of the current standing to the Commission. In summary, SM's report stated that GZA's soil investigations did not meet standards of a wetland, in regards to NRCS F3 criteria. SM met on site with GZA. Could not replicate results. Photo evidence provided to GZA was outside of growing season. Ponding/ice was within the depression; however it was outside of the growing season. (Deep frost prevents water from infiltrating).

Comments:

- RG: Area has been observed holding or with saturation during the growing season. F3 criteria used, is it only F3 that needed to be used? No, you can go through any of them. F8 criteria appears to be more suitable and appears soils could meet that one. Two wetland species documented within area. Area now cut. Questioned if SM documented vegetation and or soils. Compare soils in upland areas? Still concerned that area is jurisdictional.
- Higher chroma at all depths? Yes.
- Mowed field caused mix vegetation.
- Has held water throughout the growing season.
- Flow has gone through the culvert.

- Saw evidence of hydrology when the Commission went out with GZA during the growing season.
- The vegetation/grass has cut since the Commission went out with GZA.
- Did a number of soiling in the upland area, working up and down (Done by SM).
- GZA has commented and said that the soils were marginal. Do you think that is because it has been historically disturbed as farm?
- Agent asked about letter and soil samples. SM letter indicates that soil chorma was one more or splitting with GZA results (the chorma). That is very close to what GZA found. GZA marginally hydric soils.
- Evidence of hydrology with the vegetation.
- DB and SC stand by the WPA and protecting this area as a wetland, however understand the arguments being made.
- Untimely mowing has made it difficult to come to a conclusion.
- Leave it for a year; take a look at it in a year. See what has grown back, if it has not been mowed.
- Option presented to delineate to include on approval as resource area and review next year. Can that be added to approval?
- What would the boundary of the wetland be? The Commission would have to look at observed areas that hold water. Discussed option to delineate at culvert inlet.
- Condition the approval to open it up again within a growing season if they want to.
- CM: Abutter that lives at 5 Douty Rd. Has lived there for 32 years, and said that this one area it is pretty “marshy” throughout the year.

-- Motion (SH): 2nd (DB) to close the public hearing, VOTE: AIF (5-0).

-- Motion (SC): 2nd (DB) to move we approve the delineation with that area being considered a wetland with the area that is filled with the culvert in place and to allow them to come back with more evidence next year. VOTE: AIF (5-0).

7:30 **Notice of Intent; DEP File#300-1018; Continued from 10/16/18;** Douty Road and Stallion Hill Rd.; Represented by Bertin Engineering, Inc., for applicant O’Connell, P.
Summary: Requesting a continuance. Not sure what plans will be for rest of property so want to keep this open. Date TBD.

VOTE: AIF (5-0).

7:45 **SZB Notice of Intent (Sturbridge Zoning Bylaw Section 4.04);** Douty Road ANR lot 5R; Construction of a single-family house driveway; Represented by Bertin Engineering, Inc., for applicant O’Connell, P.
Continued to November 20th, 2018. Proof of Legal Ad Posting and Abutter Notification not provided.

8:00 **SZB Notice of Intent (Sturbridge Zoning Bylaw Section 4.04);** Douty Road ANR lot 6R; Construction of a single-family house driveway; Represented by Bertin Engineering, Inc., for applicant O’Connell, P.
Continued to November 20th, 2018. Proof of Legal Ad Posting and Abutter Notification not provided.

New Business

- FY20 Betterment Requests and Capital Funds
Comments: Discussed briefly, the Commission has a month to think about this.

- January meeting dates schedule
Comments: TBD.

Old Business

- Wetland Bylaw Regulations
Comments: At this time, leaving all fees within the Regulations. No fee amount will be added for Requests for a Certificate of Compliance. Changes were made as recommended by the Conservation Agent. RG will write a MEMO for the BOS and provide a copy of final draft regulations. VOTE: AIF (5-0).
- MA DOT Cedar Lake
Comments: WC and PR spoke. Brought the Commission up to date with the current status. PR plans to go out with BSC Survey Group. Plans to have them out there the week after Thanksgiving, once the draw down is complete. Will be determining the limits of the fill that has gone into Cedar Lake.
 - How many people? Two-man crew.
 - How are you going to determine what is from recent scarring and what is road run off from 20 years? Envisioning that the bottom of the lake would be a certain shape and plain and we would see a defined deposits/soils and go from there.
 - RR: 53 Beach Ave, member of Cedar Lake Association- have a detailed report dating back to 1983 where Lycott (Solitude) did an extensive study of depth marks and things of that sort. Will certainly make that available to the State/BSC Group. Concerned about run off and erosion in that area. RR will give a copy to the Commission and will then send to WC and PR.
 - Want drainage swales to be looked at.
 - Improvements would be done under a long-term construction project. Might be better designed and performed under a construction project.
 - Study was done by Gold Environmental about 5-6 years ago in relation to Cedar Lake.
 - Has BSC seen the project before planning to send out workers? Yes.
 - Met with RG on October 30th (WC and PR).
 - Will the Commission be getting an as built when this project is completed? Yes.
 - The Commission will need a plan that depicts the work that will be done/ has been done.
 - Results of survey work will be sent to the Commission, once the work is completed and office work is drawn up. Will be able to send out by December.
 - RR: Draw down has started November 1st averages about 2 inches a day. Should be completed hopefully by the week after Thanksgiving.
 - RR: Highway work about 5 years down the road, the Lake Association would like to collaborate on this later project. If we wait, would like immediate areas to at least be temporarily fixed up. To at least keep it up until it can be engineered and improved.

Request for Certificate of Compliance

- DEP #300-997; 28 Breakneck Road; Parker, M. *Signed.*
- DEP #300-902; W175 Mitigation Area Re-Planting; VHB. *Signed.*
- DEP #300-935; 20 Cedar Lake Drive; Oxman, B. *Signed.*

Letter Permits

Sturbridge Wetland Bylaw Letter Permits:

- 52 Stallion Hill Road; Riverlands Shed addition; Sturbridge Trails Committee.
Comments: *Approved.*

- 45 Burgess School Road; Burgess Discovery Trail Repair; Sturbridge Trails Committee.
Comments: *Approved.*

Tree Removal Permit Applications:

- 40 Goodrich Road; Gibson, C.
Comments: Approved VOTE: AIF 5-0.
- 72 South Shore Drive; Giuggio, A.
Comments: Approve VOTE: AIF 5-0.
- 81 Shore Road; Glabicky, E.
Summary: Inherited this property about six months ago. Access to the water is denied in the general area of the trees. Besides removing, looking to cut back trees and some of the branches right over the cottage. There is a tree on the right side that is overgrown and causing stainage and issues with the cottage, as well as squirrel issues. Looking to trim back some of the bushes and gain access to the water.
Comments: Would like to see the Birch trees stay, those are the trees the Commission is trying to preserve over the lake front. Removing the arborvitaes (Should be replaced with a bush) and pruning the other trees, but not cutting down. Birches stay. Pear trees stay. Anything dead can be pruned off. Can replace if a plant is identified and already planted, then the birch can be taken down. Letter response will be provided with what was discussed/what is approved.
VOTE: AIF (5-0).
- 26 Birch Street; Freeland, S.
Comments: Approve VOTE: AIF 5-0.
- 5 Library Lane; Pancoe, D.
Comments: Approve VOTE: AIF 5-0.

Forest Cutting Plan

- 169 & 175 Arnold Road; Scherer, K.
Comments: Hasn't gone to BOS yet. Flagged all of the stands. Forester cautious of resource area protections. Site visit has been scheduled.

Informal Discussion:

- 96-98 Gladding Lane: Agent: Buddy Soper (BS) and Mark Farrell confirmed the pipe was existing, and was there when he did his work. BS stated catch basin was installed when the septic was installed. Two OOC for 98 Gladding still open, require requests for COC. Con com asking for after the fact NOI for the catch basin install as this install would have required a permit.
- 272 Big Alum: Still working with DEP. Still working out the dock situation.
- Received additional information on 27 Ladd Road of potential work out there which looked like more routine grading of the driveway. Con com requesting they come to our next meeting to have a conversation about work within jurisdictional areas.

--Motion made by (SC); 2nd by (SH) to adjourn at 9:12, PM. VOTE: AIF (5-0).