

# **Sturbridge Conservation Commission**

## **Meeting Minutes**

**Tuesday, July 16, 2019**

**Approved August 20, 2019**

### **Present:**

Ed Goodwin, Chairman  
Steven Chidester, Vice-Chair  
David Barnicle  
Erik Gaspar  
Rebecca Gendreau, Conservation Agent  
Jenee Lacy, Planning Administrative Assistant

### **Absent:**

Steve Halterman

### **Also Present:**

Raoul Ricard  
Josh Wages  
Stacy Ouckola  
Leonard Jalbert, Jalbert Engineering  
Annie Roscioli, Recreation Director  
Esau Bernstein  
Peter Engle, McClure Engineering  
Calisto Bertin, Bertin Engineering  
Ben Tulley  
Chuck Eaton, CME  
Chad Maramo  
Tom Moore  
Lynne Peterson  
Christian Peterson  
Sue Waters  
Priscilla Gimás  
Buck Smith  
Justin Manbeck  
Robert Cottone, Baystate Custom Homes  
Donald O'Neal, Attorney for 508 International  
Russell Jennings, 508 International, LLC

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

### **Walk-Ins**

Raoul Ricard of the Cedar Lake Association came before the Commission. R. Gendreau gave the Commission and update regarding a meeting with MassDOT, drainage on both sides of the MA Pike were discussed and MassDOT agreed to an upcoming site visit and follow up in December.

D. Barnicle discussed the failure of lake structures and the involvement of MassDOT.  
R. Ricard discussed the site visit with MassDOT that will be on July 31<sup>st</sup> and inquired if R. Gendreau had the old topography map and asked if she could follow up to get those records.  
R. Ricard stated that the Cedar Lake Association has a meeting the Law Office of McGregor and McGregor to find out what their rights are if MassDOT doesn't follow through with the repairs.  
S. Chidester discussed an area in need of repair that the MassDOT heavy equipment could get to easily to fix and just that would make a huge difference in the area.  
R. Ricard brought up a neighbor Matt Lincoln who is selling their property and stated that they would need to get permission from whoever is buying the land to be able to go onto their property.  
R. Ricard stated that he will meet with whoever buys the property and get them up to speed on what is happening in the area.

### **Public Hearings**

S. Chidester read the public hearing rules

**Notice of Intent; DEP File #300-1035;** 70 Westwood Drive, Construction of a single family house and associated site work; Wages J., Represented by Jalbert Engineering, Inc.

E. Goodwin read notice of intent.

### **Documents Reviewed:**

Site Plan for 70 Westwood Drive

Notice of Intent; DEP File #300-1035

Leonard Jalbert of Jalbert Engineering, came before the Commission and submitted the abutters notices and proof of the legal notice.

L. Jalbert described the lot at 70 Westwood drive and the intent to construct a single family home, 70 feet from the lake with a deck in front of the property making it 60 feet from the lake. The construction will have a private well and public sewer. The property has an existing shed and boat dock, there will be no change to this structures. 300 yards of material will be taken off the site, material will be class 1 material (sand and gravel).

R. Gendreau showed the Commission photos of the property for those who were not at the site visit and stated that filing should account for the dock that is pre-existing. R. Gendreau stated that the shed was originally approved when it was put in but at the time the dock wasn't permitted but can be added to the filing. If it's a temporary dock it would need to go to the Board of Selectmen for approval, if it's permanent it would need to go through the DEP Chapter 91.

R. Gendreau suggested the removal of the placement of sandbags to help with erosion and putting either temporary or permanent steps off the dock. Recommended that they review the alternative analysis process to minimize/avoid impacts.

D. Barnicle brought up concerns about building a house on the top of the hill and stated that 300 yards of material is a lot to remove without disturbing the habitat.

S. Chidester agreed and stated that going from 120 feet of elevation down to 110 feet is taking off a lot of the hilltop and asked if this construction can happen without such aggressive material removal.

L. Jalbert stated that if he moves the house in a Westerly direction it wouldn't have a view of the lake and it would be like putting the house in a hole.

E. Goodwin stated that there really won't be a view of the lake as it is without cutting down trees.  
L. Jalbert stated that he has no intention of clearing trees between the work area and the lake.  
E. Goodwin inquired about how they will get down to the water from the house.  
The property owner Josh Wages came before the Commission and stated that they were going to use an existing pathway to the water from a walk-out basement.  
E. Goodwin stated that they could put the house down lower and not have the walk out basement.  
R. Gendreau asked if they could shift the house to the North so there would be less excavation and the house would be the same distance from the lake minimizing disturbance on the steep slope.  
Erosion potential with continued use of footpath on steep slope. Recommends inclusion of stairs to water. R. Gendreau and the Commission discussed moving the potential location of the house and tree removal.  
J. Wages stated that it was not his desire to disturb the property in front of the lake and that he doesn't want to remove any trees but he also wants to be able to see the children from the house playing in the yard. He stated he is open to suggestions for modification to their plan.  
S. Chidester discussed removal of material and ways to avoid removing the hill.  
E. Goodwin asked the rest of the Commission if they would like to see alternative plans. The Commission agreed.  
S. Chidester also added that since the deck doesn't have a permit it should be added to this filing.  
L. Jalbert asked for a continuance.

**Motion: To continue the public hearing for DEP File #300-1035.**

**Vote: All in Favor**

**Notice of Intent; DEP File #300-1036;** 4 Regep Lane, Construction of a single family house and associated site work; Baltazar, R.; Represented by Jalbert Engineering, Inc.

Documents Reviewed:

Site Plan for 4 Regep Lane

Notice of Intent; DEP File #300-TBD

Leonard Jalbert of Jalbert Engineering, came before the Commission and submitted the abutter's notices and proof of the legal notice.

L. Jalbert discussed the plan for the construction of single family house, stated they would need 18-19 feet of fill since they wanted the house even with the road. L. Jalbert stated he suggested to the property owner that he could lower the house but the owner wanted it level with the road.

S. Chidester stated that if the property owners concern was the view they could just add another story to the home and not change the elevation and that he would like to see natural vegetation on the slope.

D. Barnicle stated that if plants with strong root systems are added it will help keep the soil together.

The Commission discussed the stability of the soil and the lot setbacks.

S. Chidester stated that he would like to see an alternative plan.

The Commission discussed the elevation of the potential foundation.

E. Goodwin asked if anyone in the audience had any questions or comments. There were none.

D. Barnicle asked if the rest of the Commission wanted a planting plan; the Commission agreed.

E. Goodwin suggested that L. Jalbert come back for a continuation.

R. Gendreau suggested adding drainage information to the plan.

**Motion: To continue the public hearing for DEP File #300-TBD.**

**Vote: All in Favor**

**Request for Determination of Applicability:** Continued from June 18, 2019; 130 & 140 Fiske Hill Road; Goulas, G., Allsworth LLC; Represented by EBT Environmental Consultants, Inc.

R. Gendreau stated that the representatives of this project asked for a continuation to be able to run more tests.

**Request for Determination of Applicability:** 69 Route 84, Installation of 4 pole lights for the Town Barn Little League Field; Town of Sturbridge Recreation Committee.

**Documents Reviewed:**

Site Plan for 69 Route 84

Annie Roscioli, Recreation Director, came before the Commission and discussed the request to install 4 pole lights for the Town Barn Little League Field.

R. Gendreau stated that all light posts are going to be installed in previously disturbed areas and the new construction would have minimal new disturbance but would need construction conditions. Reviewed and approved by NHESP. E. Goodwin inquired whether the field has power or if the lights would be run on a generator.

A. Roscioli stated that the field has power.

D. Barnicle stated that he would like to have someone on site to monitor the construction to make sure there is no encroachment on the wetland.

R. Gendreau stated that she is planning on having a preconstruction meeting with the contractors and has already discussed with them conditions they would need to follow.

**Motion: To close the public hearing. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Motion: To approve the request for determination of applicability for the installation of 4 pole lights on Town Barn Little League Field. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Request for Determination of Applicability:** 14 Audubon Way, Opacum Woods; Removal and replacement of a trail footbridge, Bernstein, E. (Eagle Scout Project)

**Documents Reviewed:**

Sketch Plan for Bridge , 4 Audubon Way

Esau Bernstein came before the Commission and introduced himself.

R. Gendreau described the bridge replacement project.

E. Bernstein discussed the need for the bridge replacement and stated that they would be taking out the old bridges and building the new bridge off site and carrying it in.

R. Gendreau stated that E. Bernstein has been working with the landowner on this project and that it is a minor project with no digging involved. Opacum has approved of the project.

**Motion: To close the public hearing. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Motion: To approve the request for determination of applicability for the removal and replacement of a trail footbridge in the Opacum Woods. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

### **Committee Updates**

- CPA: none
- Trails Committee: Last meeting there was a discussion on the Riverlands but no new votes.
- Open Space Committee: none
- Lakes Advisory Committee: none

**Notice of Intent: DEP File #300-TBD:** 314 The Trail; Installation of a paved driveway to replace an existing gravel driveway and the restoration of portions of the gravel driveway. Jones, N.; Represented by DC Engineering & Survey, Inc.

R. Gendreau stated that the representatives for this filing made a request for a continuation.

**Motion: To continue the public hearing for DEP File #300-TBD.**

**Vote: All in Favor**

### **Old Business**

DEP File #300-251; Hobbs Brook Plaza 200 Charlton Street

R. Gendreau informed of upcoming scheduled site work.

Hamilton Rod & Gun Club & Rampco Enforcement Order

R. Gendreau discussed the construction going on at the Hamilton Rod & Gun Club by Rampco, stating that they plan on starting work this week and are finishing up getting storm water basins installed and stabilizing the back slope.

D. Barnicle asked if the project going to be finished by the end of the year and stated he was concerned that they would need to replace the erosion controls soon.

### **Letter Permits**

Tree Removal Permit Application: 114 Clarke Road, Marinelli, J.

R. Gendreau discussed the removal of three dead trees.

**Consensus Vote: To approve the tree removal application: 114 Clarke Road.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 308 The Trail, LaRochelle, R.

R. Gendreau discussed the removal of the upper portion of a large pine because of a carpenter ant infestation.

**Consensus Vote: To approve the tree removal permit application: 308 The Trail.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 110 South Shore Drive, Curbleo, R.

R. Gendreau discussed the removal of two dead birch trees and stated she had no concerns.

**Consensus Vote: To approve the tree removal permit application: 110 South Shore Drive.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 112 South Shore Drive, Tasse, M.

R. Gendreau discussed the removal of four pine trees and one birch and that currently there is no root planting plan.

S. Chidester stated that he would like to see the site after the tree removal to see if they needed a re-planting plan.

D. Barnicle added that it would be standard 2 to 1 replacement if necessary.

**Consensus Vote: To approve the tree removal permit application: 112 South Shore Drive.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 102 South Shore Drive, Gillman, S.

R. Gendreau discussed the removal of 17 trees, small dead hemlocks, one hemlock leaning over house, and a large leaning pine that had just fallen. R. Gendreau also stated that there is a lot of issues over the years with driveway discharge and she has asked the owner to add some riprap to help with the discharge.

The Commission discussed erosion and options to help combat it for this property.

**Consensus Vote: To approve the tree removal permit application: 112 South Shore Drive.**

**Vote: All in Favor (4-0)**

**Abbreviated Notice of Resource Area Delineation; DEP File #300-TBD:** 650 & 680 Route 15, Seeking approval of delineated resource areas on the subject parcels. Landing Rock LLC; Represented by McClure Engineering, Inc.

E. Goodwin read the notice of resource area delineation.

Documents Reviewed:

Site Plan for 650 & 680 Route 15

Abbreviated Notice of Resource Area Delineation; DEP File #300-TBD

Peter Engle of McClure Engineering came before the Commission, introduced himself and stated the details of his request.

R. Gendreau discussed the resource areas that could be impacted by the plan and what resource delineation work was done and shows in the filing. R. Gendreau recommend that the Commission reserve their right to ask for a third party review.

The Commission discussed the rest of the lot and asked if it had been looked at for resource delineation. P. Engle stated that the owner of the property was not interested in the rest of the property being looked at. R. Gendreau suggested that it may be useful to have it all done now for the whole site in case of a future road being built.

E. Goodwin brought up concerns regarding crossing a stream that is on site.

D. Barnicle brought up concerns regarding moose habitat.

The Commission discussed if they should hire a third party review before or after a site visit and decided to hire one before.

**Consensus Vote: To hire a third party review of the property.**

**Vote: All in Favor (4-0)**

R. Gendreau discussed regulations regarding hiring a third party.

**Notice of Intent; DEP File #300-TBD:** 179 Main Street, Installation of a storm water management system within a commercial parking lot. 179 Main Street LLC; Represented by Bertin Engineering, Inc.

Goodwin read notice of intent.

Documents Reviewed:

Site Plan for 179 Main Street

Notice of Intent; DEP File #300-TBD

R. Gendreau stated that they can't open a public hearing because the applicant didn't have the newspaper notice or abutters letters but that the Commission can have a discussion without voting. Calisto Bertin from Bertin Engineering came before the Commission and introduced himself. Ben Tully, owner of 179 Main Street, also introduced himself to the Commission.

C. Bertin discussed their plan for the installation of a storm water management system within 179 Main Street, which is a commercial lot. He discussed the issues with storm water runoff going into the residential area behind the parking lot, roof drainage was also discussed.

R. Gendreau introduced Chuck Eaton from CME, which is the third party review asked to look at this project for the Town.

C. Eaton discussed his review of the plan submitted by C. Bertin and went over his concerns and suggestions. He suggested installation of chambers imbedded in crushed stone with a layer of filter fabric and more crushed stone.

C. Bertin and C. Eaton discussed the drainage solution for the roof and the slope at the end of the parking lot.

The Commission, B. Tully and C. Bertin discussed the flow of water and trench berms.

D. Barnicle brought up concerns regarding oil run off from the parking lot and suggested the use of an oil/water separator.

R. Gendreau inquired about how this new drainage system will function during winter, and stated she would like to see on the plan snow storage areas and where the drainage will go when it melts.

E. Goodwin asked if anyone in the audience had any questions or comments.

Chad Maramo, of 7 Blueberry Lane, came before the Commission and brought up issues regarding the size of the stone the engineering firm would be using for the void filtering and that it would filter less run off as time went on.

Buck Smith, of 9 Blueberry Lane, came before the Commission and inquired about catch basins and stated that one of the main issues with the drainage into Blueberry Lane is a specific pipe.

R. Gendreau went over the plan and showed what water heading over the slope towards the pipe outlet will be lessened once other run off goes into the catch basins.

The Commission, C. Bertin, and C. Smith discussed the pipe in question and run off from the roof.

C. Bertin discussed how some of the issues in the parking lot are pre-existing before regulations were put in and the issues could have been exasperated because the parking lot was paved and the amount of rain that we've recently had.

Tom Moore, owner of property at 201 Main Street, stated his complaint that water runoff from the property at 179 Main Street is going into his property.

C. Bertin stated that one of the fixes they are going to be implementing is dry wells.

B. Smith brought up the pipe going into Blueberry Lane again and the amount of water coming out of the pipe into the neighborhood.

E. Goodwin stated that it existed there and there hasn't been any change since it was installed, if the engineers in charge of the project do what they need to and it doesn't fix the issue they will go back and find another solution. E. Goodwin also stated that he is impressed with the plan brought forward by Bertin.

B. Tully stated that they will come to the next Conservation meeting with the final plan and then it will go to the DEP.

R. Gendreau stated that the construction can probably get started by early September.

B. Tully added that it would only take about 5 weeks to finish the project.

**Request for Determination of Applicability:** Pole 17-1 Relocation, Main Street (Utility easement near 657 & 665 Main St.); Represented by BSC Group, Inc. for Applicant: MA Electric Company d/b/a National Grid.

E. Goodwin read the Request for Determination of Applicability notice.

**Documents Reviewed:**

Site Plan for Utility Easement near 657 & 665 Main Street

R. Gendreau stated that she is acting as the representative for this project and described the project for pole relocation (utility easement) and stated that her recommendation is a negative 2B, positive 3 and a negative 5.

**Motion: To close the public hearing. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Motion: To Approve the request for determination of applicability for pole 17-1 relocation.**

**By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Request for Determination of Applicability:** 95 Walker Pond Road; New Garage; Manbeck, J. Represented by BC Custom Homes LLC.

E. Goodwin read the request for determination of applicability notice.

**Documents Reviewed:**

Site Plan for 95 Walker Pond Road

Robert Cottone, of Baystate Custom Homes, and Justin Manbeck owner of the property at 95 Walker Pond Road came before the Commission.

R. Gendreau stated that J. Manbeck wasn't aware of wetland regulations and had some trees cut down. She went over pictures of the location, erosion, trees and clearing where the garage is going



to be built. Area has been restored. R. Gendreau and the Commission discussed erosion control, went over the plans and R. Gendreau discussed what her recommendations would be. D. Barnicle asked about roof run off. R. Cottone described the gutters they would install. D. Barnicle suggested that it would be better to put in a drip strip instead of gutters so they won't have to be cleaned out considering the amount of tree cover the property has. S. Chidester asked if the property representatives could vegetate the area near the stream with shrubs. J. Manbeck stated that the soil on the property is extremely fine and he was planning on trying to plant grass since it may be the only thing that will grow there. S. Chidester stated he is okay with grass as long as the clippings aren't dumped off the side.

**Motion: To close the public hearing. By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

**Motion: To approve the plan as submitted with the addition of a drip strip to the garage roof.**

**By: D. Barnicle**

**2<sup>nd</sup>: S. Chidester**

**Vote: All in Favor (4-0)**

### **Enforcement**

27 Ladd Road Enforcement Order, 508 International, LLC and Sellew, A.

#### Documents Reviewed:

Enforcement Order in regards to 27 Ladd Road

Donald O'Neal and Russell Jennings came before the Commission and introduced themselves. D. O'Neal stated he is the lawyer representing R. Jennings and A. Sellew regarding 508 International, LLC and read a statement that they would like to object to the involvement of S. Chidester and D. Barnicle to this matter. R. Jennings also made a statement regarding a no trespassing order in regards to D. Barnicle.

D. Barnicle stated that he would not recuse himself from the matter.

S. Chidester stated that he wanted to discuss the matter with the ethics commission.

R. Gendreau stated that a letter was issued to 508 International in May in regards to a bridge being constructed in a wetland on 27 Ladd Road. There was a question as to if the land was in Sturbridge or Charlton and the Conservation office was waiting on a plan that was supposed to be submitted around June. No plan was submitted, so the office sent out an enforcement order for the violation.

D. O'Neal stated that the bridge in question was preexisting and all the owners of the property were doing was replacing the decking on the top of the bridge. They are seeking a request for approval and stated that they believe this is just trail maintenance.

R. Gendreau inquired as to if they had proof that the bridge was preexisting.

E. Goodwin stated that they would need to make a filing.

R. Jennings stated that they will make a filing. R. Gendreau added that they would still need supporting documentation with the filing.

D. O'Neal stated that they have commissioned a survey to find out if the land in question is in Sturbridge or Charlton.

E. Goodwin stated that they would need a filing for the meeting on August 20, 2019.

E. Gaspar asked permission to visit the property for a site visit.

R. Jennings stated that the Commission is allowed to walk the property as long as they let him know before hand and he requested a report from them afterwards.

R. Gendreau stated that the enforcement order would be in effect until they make a filing.

### **Minor Amendments to Orders of Conditions**

DEP File #300-984; 36 Warren Road; Countryside Homes; Proposed revisions to the house and driveway.

#### **Documents Reviewed:**

Site Plan for 36 Warren Road

R. Gendreau discussed the plan and showed the Commission the plan of the proposed revisions to the house and driveway. Stated that the house will just be within the 100 foot buffer zone and the limit of work is not changing.

**Motion: By D. Barnicle, 2<sup>nd</sup> by E. Gaspar, to approve the amendments to the order of conditions for DEP FILE #300-984.**

**Vote: All in Favor (4-0)**

### **Letter Permits Continued**

Tree Removal Permit Application: 158 Lane 8, Neilson, C.

R. Gendreau discussed the removal of two trees and trees that needed pruning

**Consensus Vote: To approve the tree removal application: 158 Lane 8.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 86 McGargle, Barnes, K.

R. Gendreau discussed the removal of a dead oak.

**Consensus Vote: To approve the tree removal application: 86 McGargle.**

**Vote: All in Favor (4-0)**

Tree Removal Permit Application: 19 Mashapaug Road, Sturbridge RV, Gamache, R.

R. Gendreau discussed the removal of three dead trees, a pine, oak and hemlock.

**Consensus Vote: To approve the tree removal application: 19 Mashapaug Road**

**Vote: All in Favor (4-0)**

Wetland Bylaw Letter Permit: 366 Main Street, Sturbridge Host Hotel, Jaguar Association of New England

The Commission discussed the Jaguar association Annual Jaguar Car Show.

**Consensus Vote: To approve the Wetland Bylaw Letter Permit: 366 Main Street (Sturbridge Host Hotel)**

**Vote: All in Favor (4-0)**

### **New Business/Correspondence**

R. Gendreau discussed an oil leak that took place from a personal outdoor oil tank at 53 Caron Road – Cedar Lake and showed the Commission pictures.

The leak took place on July 8, 2019, CMG Environmental investigated and then notified the R. Gendreau. CMG installed an oil boom in the lake and DEP gave the property owner immediate response orders. CMG estimated that possibly 150 gallons of oil leaked into the property. The property owners proposed a vacuum truck, soil removal and groundwater removal, etc. R. Gendreau stated that she has asked for additional details and a more detailed plan for clean up along with follow up testing.

The Commission discussed the size of the tank and the source of the leak.

R. Gendreau stated that she would draft a letter.

### **Agent Report**

R. Gendreau discussed the site visit schedule with the Commission – August 6<sup>th</sup> at 9am pending the July 31<sup>st</sup> site visits.

R. Gendreau discussed the draft plan for 31 South Shore Drive to address the court order and that the Commission should be seeing a filing in the near future. D. Barnicle asked R. Gendreau if she could asked the engineers about the blocked drain the site when she meets with them. E. Goodwin stated the last time there were at the site the drain was clean and there were no issues with beavers.

R. Gendreau and the Commission discussed scheduling site visits on August 6<sup>th</sup> at 8am.

R. Gendreau stated that the next Conservation Commission meeting was on Tuesday August 20, 2019 at 6pm.

### **Adjourn**

**Motion: To adjourn. By: S. Chidester**

**2<sup>nd</sup>: E. Gaspar**

**Vote: All in favor (4-0)**

**Adjourned at 9:57pm**

**Minutes prepared by: Jeneé Lacy**