

Sturbridge Conservation Commission

Meeting Minutes

Tuesday, June 18, 2019

Present:

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

Also Present:

Linda Barriere
Jamison Quist, 15 Long Avenue
Lynne Petersen, 47 Farquhar Road
Christian Petersen, 47 Farquhar Road
Adrian Podpora
Thomas More
William Clougherty, MA DOT
M. Farrell, GHE
R. Ricard, 53 Beach Avenue
Buck Smith, Blueberry Lane
Pirscilla Gimás, 38 Farquhar Road
Peter Reed, BSC Group

Absent

Steve Halterman, Commissioner
Vacant Seat, Commissioner

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

6:00 PM Open Meeting – Quorum confirmed.

Chairman Goodwin advised the Commission that a new member, Erik Gaspar, had been appointed to the Conservation Commission to fill outgoing Commissioner Zapun's seat. He will begin his term July 1, 2019.

Committee Updates:

CPA – No. report.

Trail Committee – The Trails Committee met last Thursday. There were two guest, the Open Space Committee, and the Vermont Group. The Open Space Committee presented information on property that they are considering that the Trails Committee may also be interested in. The Vermont Group spoke about the development of mountain bike trails along the Riverlands that would be separate from the walking trails (may crossover in select locations). The Trails Committee thought this would be helpful as often the mountain bikers have no trail to use and subsequently move off trail and through the wetlands.

Open Space Committee – See above. D. Barnicle stated that he would like to continue as the liaison for this committee until the reorganization of the Sturbridge Conservation Committee.

Lakes Advisory Committee – No report.

Walk-ins

Jamison Quist of 15 Long Avenue appeared before the Commission to informally present options for retaining wall replacement at his property. One section of the wall was failing when he purchased the home and now a few other areas a beginning to fail as well. He presented his proposed plans for repair and sought the Commissions comments.

Commission: The Commission thanked him for being prepared with plans and provided the following comments to him for consideration when formally submitting his permit request. E. Goodwin stated that he would like to see the project done with boulders/stones not a straight wall and done during the lake draw down. S. Chidester would also like to see the project site-plan include the boulders and natural plantings when seeking permit. D. Barnicle agreed that there should be no straight walls used during the repair to protect wildlife.

Action: Mr. Quist will take the Commission's suggestions under advisement and submit a form permit request.

S. Chidester read the public hearing rules.

Public Hearings

6:15 Request for Determination of Applicability; 47 Breakneck Road; Mattioli, C.; Installation of an in-ground pool within an existing developed yard.

Documents Reviewed: Site Plan and Pictures of Yard

Property owner is seeking approval for the installation of an in-ground pool. Pool will be located within an existing developed yard.

Agent: R. Gendreau performed a site visit during which she noted the property is a single family home with a developed yard. The requested work footprint falls within the 100 foot buffer zone.

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 AND

Positive Determination #2:

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

R. Gendreau recommended approval with the regular conditions signage, erosions controls, and pre-construction meeting; and several special conditions including usage of some of the excavated material for use leveling a portion of the yard but staying within the existing yard, no expansion of the yard approved by the Order of Conditions, erosion controls are to be left in place until area is stabilized and the Conservation Commission signs off on it, no discharge of pool water in to a resource area.

Commission: E. Goodwin asked if there was any public comment, there was not.

Action: On motion of D. Barnicle, seconded by S. Chidester, the public hearing was closed. Vote: 3-yes, 0-no, 2-absent (Haltermann, Vacant). On motion of D. Barnicle, seconded by S. Chidester the Commission approved the plan as submitted with the general and specific conditions suggested by R. Gendreau. Vote: 3-yes, 0-no, 2-absent (Haltermann, Vacant).

Signatures:

DEP File #300-1033; 11 McGilpin and 6 Apple Hill Road, P. Iott

Signatures for the Order of Conditions for DEP #300-1033 were signed by E. Goodwin and S. Chidester, D. Barnicle could not sign due to his negative vote. S. Haltermann is absent but can sign after the fact to fulfill the required three signatures as the 5th commission seat is vacant.

Minor Amendment to Order of Conditions:

DEP File #300-913; 77 Westwood Drive; M. Gosselin

Property Owner is seeking to add approval for an above ground pool within an existing yard/lawn to an existing Order of Conditions that was given an extension in late 2017.

Agent: The pool location is outside of the 50 foot buffer zone. She has advised the owner said that he cannot move any boulders back but will replant the area after installation is complete.

Action: On motion of D. Barnicle, seconded by S. Chidester the Commission approved the request to amend the Order of Conditions for DEP#300-913 to include the installation of an above ground pool within the existing developed yard. Owner may not move and rocks and must replant the area after. **Vote:** 3-yes, 0-no, 2-absent (Halterman, Vacant).

Public Hearings (cont'd)

6:30 **Notice of Intent; DEP File #300-TBD;** 16 Mt. Dan Rd.; Weber, D.; Represented by Green Hill Engineering, Inc.; Installation of a drilled well.

Documents Reviewed: Site Plan and Pictures of Yard

M. Farrell appeared before the Commission on behalf of the owner D. Weber seeking approval to drill a well for the existing home. The home currently draws its water from the lake and the owner is utilizing bottle water because they do not wish to drink the lake water. The Commission was informed that the owner also owns the adjacent property. He also advised the Commission that no trees will need to come down with the chosen well location. Straw wattles and shallow swales will be used to address potential erosion control issues.

Agent: R. Gendreau advised the Commission that the Board of Health will need to issue a variance for the well as it will be located within 25 feet of the lake. She asked M. Farrell why they did not locate the well further up from the lake. He advised that the area was not level.

Commission: E. Goodwin asked if he would be able to get the proposed equipment down the well site and if another approach might be easier. M. Farrell informed him that the proposed plan would produce the least amount of disturbance to the site and all trees will remain just need to prune several limbs. D. Barnicle stated that he would like to ensure that the slurry will be taken from the site not left in the well or on land next to the lake. He added that he feels only straw wattles/bales are needed for erosion control as a silt fence installation would cause unnecessary additional disturbance to the soil. E. Goodwin asked if there was any public comment, there was not.

Action: On motion of D. Barnicle, seconded by S. Chidester, the public hearing was closed. **Vote:** 3-yes, 0-no, 2-absent (Halterman, Vacant). On motion of D. Barnicle, seconded by S. Chidester the Commission approved DEP File #300-1034 request as indicated on the plan submitted with the Order of Conditions set forth by R. Gendreau. **Vote:** 3-yes, 0-no, 2-absent (Halterman, Vacant).

6:45 **Request for Determination of Applicability;** 130 & 140 Fiske Hill Road; Goulas, G., Allsworth LLC; Represented by EBT Environmental Consultants, Inc.

Postponement requested by applicant until the July 16, 2019 meeting.

Old Business

Documents Reviewed: Revised Site Plan, swale detail plan, and site photos

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

W. McClougherty of MA Dot District 3, and P. Reed of BSC Group appeared before the Commission to discuss the ongoing drainage issues from failing MA DOT drainage systems near Cedar Lake. MA DOT presented a revised site plan as prepared by BSC Group developed after the most recent site visit for review and comment. The new plan calls for a cut off of the current paved swale and a modification to the end of it by the use of stones from the cut-off point to the end. During the site visit a predetermined natural break in the concrete was noted and that is the proposed spot where the concrete will end and the stone swale will begin. They added that the swale area above the break has stabilized pavement. All of the deteriorated concrete below the

break will be replaced by stone will be broken concrete pieces will all be removed from the site. W. Clougherty and P. Reed informed the Commission that this plan will prevent the undermining of the swale by preventing the water from flowing back under the concrete causing deterioration. **Public:** R. Ricard of the Cedar Lake Association wanted to confirm that the planned location of the break would go all the way back to an area where the swale pavement was unbroken. He was advised by W. Clougherty that it would adding that the break was about 130 feet back from the end of the swale. Mr. Ricard reminded the speakers that there was an another swale approximately 1000 feet up on the property that is also failing that needs to be addressed and asked if and/or when that would be accomplished and questioned why MA DOT would present a plan has a failed swale feeding into the swale being fixed. W. Clougherty stated that said swale is very old and while MA DOT is aware that it is failing, it is not being addressed at this time. It is a much larger project that will need to be addressed at a later time. R. Ricard stated that he feels the broken swale above is causing issues below and that a plan needs to be developed addressing all of the needed repairs. He added that the Lake Association will accept the proposed short term plan to repair the lower swale if they can be assured that a long-term plan is being developed to address the remaining issues and he would like the Conservation Commission to agree with that condition. Mr. Ricard reminded MA DOT that the original Enforcement Order from September 2018 required a plan to correct all of the drainage areas in this general area by October 2018. To date you have presented a plan to repair this swale, and have repaired one other swale which has already failed. As such he does not know what to do except to keep asking for what was laid out in the enforcement order.

Agent: R. Gendreau informed that prior to the recent May site visit, no one had walked up the full length of the swale area so no one was aware that the upper area of the swale needed repair as well. A meeting with MA DOT at their district office in Worcester is planned for June 28th where long term repair plans will be discussed.
central

MA DOT: P. Reed and W. Clougherty advised the Commission that they also had a site visit last week up on MA Pike to see what could be done there to assist with the water issues below. They noted the catch basin was topping over causing water to wash out area below. They also noted a low point in the road near the slope where the water is not getting into the catch basin. They plan to camera that area of the road where this catch basin exists and the pipes outlets onto the east side of the lake (not in the lake) to aid in discussion on options for moving water from 60 feet above down to the lake (not in the lake) in a manner that it does not erode the pipes and man hole covers etc. that are put in. Mr. Clougherty reviewed a recent picture of the temporary fix installed at one pipe. Originally it appeared that the temporary fix was not working but recent photos now indicate that the stone swale is beginning to operate as anticipated and the concept will be modified for use and/or expanded upon by P. Reed to formulate permanent fixes to the other areas of concern. He added that the parties had agreed to allow MA DOT to perform this temporary fix last fall and then meet again this spring to review. He is concerned that the scope of work changes each time there is a meeting or site visit making it difficult to reach decisions or come to an agreement with all parties involved.

Public: Mr. Ricard informed the speakers that he was expecting a plan to address all three areas of critical concern at the June 4th meeting and now it is the June 18 meeting and there is still no complete plan. The Lake Association is looking for a site plan that address those three critical areas. He added that asphalt is getting into the lake which is a violation of State Laws.

Commission: E. Goodwin agreed that there have been numerous discussions regarding the same issues. He asked when MA DOT was planning to complete the repair to the lower swale as presented in their plan this evening. Mr. Clougherty advised him that it is in the budget for this year's lake draw down in November. E. Goodwin expressed his gratitude for Mr. Clougherty's commitment to attending site visits and commission meetings but felt results were lacking. Mr. Clougherty stated that it has been a challenge because the infrastructure has been in place since the 1950's, it is a difficult site to work from and will cause lane closures on the highway during the work. He added that it was common in the 50's to use paved swales and that 1000's of linear feet of paved swales existing in the state. Replacing those swales is a very large scale project that will require a long term plan to fix. E. Goodwin acknowledged that it is a difficult site but added

that the work still needs to be accomplished regardless. R. Gendreau noted that some smaller areas requiring repair were identified further up from the area on the proposed plan that she feels could be addressed as part of this plan then the remaining areas of concern could be addressed with a longer term plan. P. Reed agreed that the areas close to the swale being addressed by tonight's proposed plan could be patched/repared with this plan then a more permanent long term plan could be developed. E. Goodwin voiced his desire to accept the proposed permanent fix for the lower portion of the swale on the west side as a short term fix acknowledging that there are other remaining areas noted in the enforcement order that still need to be addressed but require a more long term plan to accomplish. The Sturbridge Conservation Commission, Agent and MA DOT have a meeting scheduled for June 28th where the SCC will advocate for that long term plan.

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

Agent: While W. Clougherty was here R. Gendreau briefly addressed the Rt. 20 drainage going into the Quinebaug River issue. She stated that it appears that since they cleaned out the catch basin water is getting into the pipe that has failed causing additional issues, eroding the soil where one tree has already fallen and other appear to be moving as well. Sturbridge and MA DOT were to keep an eye on the area. W. Clougherty replied that he has been working with Sturbridge DPW at the site. There were some safety concerns and DPW put some plates down to cover open structures, and MA DOT did clean out the catch basin in the area. R. Gendreau stated that now the catch basin are taking on water which is feeding into the pipe causing more issues.

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

Agent: R. Gendreau reported that she had sent emails to C. Chamber and J. Benoit, and spoke with J. Benoit, regarding ongoing drainage issues at this site. She advised them that she wanted have a site visit with MA DOT and the property owner during a May meeting but time did not allow. W. Clougherty informed her that he had looked at the site some time ago and stated that it looks like drainage BMP's were added and significant improvements made when the garage was put in because he thought that originally the water just went through the lot, and he did not believe any catch basin were there. R. Gendreau stated that there was sheetflow for the lot but that the MA DOT discharge was always there and that was relocated when the gas station was developed. It was supposed to be an improvement. She added MA DEP issued a superseding Orders of Conditions (not SCC) and that existing scour was noted at the time which led to a stream. When the gas station was built the MA DOT discharge was supposed to improve the area by relocating where the pipe discharge was to a concave swale in the back area. R. Gendreau noted recent concern and impact on the intermittent stream. She added that the impacts to the downstream properties may be a combination of drainage issues from both the 173 and 179 Main properties, and that the channel from the pipe is not natural. She will proceed with trying to reschedule a site visit with MA DOT and the property owner.

W. Clougherty agreed and stated that he would review the plans prior to the site visit.

Public: L. Petersen spoke about the effect the water drainage from the 131 properties has had on her property. Adding that she has lived there since 1978 and this water issue is new. B. Smith stated that he has the same issues, the water is fast paced and he is concerned that wash out the tree roots. P. Gemis informed the Commission that the original pipe was too small to take the full amount of water as was needed and Farquhar Road was continually flooded. So, in 2012 that was addressed by the installation of a larger pipe under Blueberry to the back of the adjacent property on Blueberry. Now that water is dumps out to other homes and floods those properties.

Action: A site visit with MA DOT and the property owner will be scheduled.

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

Continuation from last meeting regarding ongoing stormwater management plan for the property. At a previous 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 most recent plan presented to the Commission was deemed unusable due to the identification of an additional wetland behind 179 Main Street. Bertin Engineering had hoped to present a new plan this evening but they are still working on changes and revising the concept so no plans are ready this evening. She added that there was no input on the test borings yet either.

Public: Asked the Commission what their rights are as a property owner effected by the stormwater run-off from 179 Main since the owner/agent are a no show tonight. They also questioned who reviewed/approved the renovation plans for the property itself since the issues started when the property was renovated. Adding that while they wait for a final plan their properties continue to flood.

Commission: The public was advised that the Commission could issue an Enforcement Order or give them the time they need to develop a workable plan to address the problems. He added the Owner has a problem that he didn't know he had and he is trying to work on it. They have submitted two proposed plans to date however, the first will not work and a newly identified wetland area prevents the use of the second plan. They are working on a 3rd revision at this time. The Commission added that they are aware the stormwater is effecting many properties below and as such will set a deadline for the owner or he will face penalties.

Action: R. Gendreau will notify the 179 Main Street Owner that the revised plan should be received by the Conservation Department by Friday, June 28th and it should include the test result for the borings. They are also to be instructed to install strawbales and put up silt fencing. If these items are not accomplished in the time frame denoted an Enforcement Order will be issued. E. Goodwin made a motion to begin fining 179 Main Street on Friday, June 28th if no plan is before the Commission to review by that date. **Consensus Vote:** All in favor. 3-yes, 0-no, 0-abstain, 2-absent (Haltermann, Vacant).

Commission Business

Newly Appointed Commission Member Erik Gaspar introduced himself to the Commission. The Commission welcomed him. E. Gaspar's first official meeting will be July 16, 2019.

Minor Amendment to Orders of Conditions

- **DEP File #300-0972; 3 Ladd Road; Briggs, R.**

Montigney Landscape Planting Plan revised from original proposed plan. R. Gendreau advised the Commission that the plan is similar but the SCC had wanted additional larger trees incorporated into the replanting. After review of the plan the Commission informed R. Gendreau that they want the Gray Birch and Hemlock trees on the proposed plan replaced with Maples or other evergreens. D. Barnicle also advised R. Gendreau that an extension to the permit should be requested as it will expire prior to a full growing season for the replanting.

Action: On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the Minor Amendment to Orders of Conditions for DEP # 300-0972 with the agreed upon change of trees from Grey Birch and Hemlock to Maple or Evergreen. **Vote:** 3-yes, 0-no, 2-absent (Haltermann, Vacant)

Old Business (cont'd)

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

Removal of 12-20 trees with no permission.

R. Gendreau put together a quick sketch for him to show him what the Commission is looking for and forwarded it to him and advised him that it will need to be more detailed for submission. She also met with him to see if he had any question about what is needed and provided him with the NOI packet to complete and submit. He advised her that he will have his landscape company prepare a sketch and he will work on the NOI. She advised him that he should have the NOI to her for inclusion on the August meeting agenda. R. Gendreau stated that she feels he is cooperative and will move forward with the NOI.

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

Agent: R. Gendreau informed the Commission that she has had some correspondence with the HRGC club/Rampco advising them that the Commission wants them to get moving on the item outlined their enforcement order. She also reminded them that in addition to the enforcement order items they are also supposed to be stabilizing the exposed slope as part of their Earth Removal Permit. She stated that they had placed additional/new bales in the front. Rampco also advised her that there was an issue in the area where the septic was installed which they feel was causing some of the erosion issues and they are working on that as well and hope that will help. Later this week Ramco will be cutting an entrance into the erosion control that leads to the gravel are and they are hoping to install a large track pad that will assist with run off. R. Gendreau also asked they to provide the time frame for when they will start their restoration plan.

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

Unauthorized disturbance or land adjacent to wetland by 508 International LLC. 508 International LLC claims the land is not Sturbridge property and as such permission is not required.

Agent: R. Gendreau informed the Commission that she has not received anything from 508 International since the last meeting. She was expecting to have a plan tonight with property lines to show in what town the property in question was located.

Commission: S. Chidester asked if an Enforcement Order has been issued yet. R. Gendreau advised him that it had not as the commission was trying to allow 508 International time to work on our requests.

Action: The Commission asked R. Gendreau to issue an Enforcement Order to 508 International (tenant) and the property owner for violating the Wetland Bylaws by installing a bridge and constructing a trail in a protected resource area. The order should advise them that no further work will be done and to submit a restoration plan to the SCC. The Commission also asked R. Gendreau to copy the MA DEP on any correspondence sent to 508 International LLC.

Letter Permits

Tree Removal Permit Application – 216 Hemlock Path

Tree removal request. 1 dead Hemlock tree.

Consensus Vote: All in favor (3-Yes, 0-No, 2-Absent (Halterman, Vacant)).

Tree Removal Permit Application – 63 Beach Avenue

Tree removal request. 1 dead Oak tree.

Consensus Vote: All in favor (3-Yes, 0-No, 2-Absent (Halterman, Vacant)).

Tree Removal Permit Application – 246 Big Alum Road

Tree removal request. 1 Birch Tree that has fallen into Big Alum Lake.

Consensus Vote: All in favor (3-Yes, 0-No, 2-Absent (Halterman, Vacant)).

Tree Removal Permit Application – 86 McGargle Road

Tree removal request. 2 dead trees.

Consensus Vote: All in favor (3-Yes, 0-No, 2-Absent (Halterman, Vacant)).

Old Business (cont'd)

- **Pine Lake Campground - Campground Renovation**

Agent: At the last meeting the Commission agreed to let Pine Lake's requested professionals serve as the independent environmental monitors and submit their first report for review by the Commission. 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. R. Gendreau presented their report to the Commission.

Commission: E. Gaspar asked R. Gendreau for her thoughts on their report. She advised the Commission that she felt the report was thorough and unbiased.

Action: The Commission agreed to allow the Lutt Design continue to serve as the independent environmental monitor for the project.

New Business (cont'd)

D. Barnicle advised the Commission that he would like to continue to serve as the liaison to the Trails Committee for the new year (FY20).

Action: On motion of E. Goodwin, seconded by S. Chidester, the Commission agreed D. Barnicle shall serve as the Trails Committee liaison for FY20. Vote: 3-yes, 0-no, 0-abstain, 2-absent (Haltermann, Vacant).

Agent Report: No further items to discuss.

Site visit schedule: No further information to report.

Next Meeting Dates: July 16, 2019, August 20, 2019, September 17, 2019.

Adjourn: On motion of S. Chidester, seconded by D. Barnicle, the Commission adjourned at 8:44 pm. Vote: 3-yes, 0-no, 0-abstain, 2-absent (Haltermann, Vacant).