Sturbridge Conservation Commission

Meeting Minutes
Tuesday, August 20, 2019

Present:
Ed Goodwin, Chairman
David Barnicle, Commissioner
Steve Halteman, Commissioner
Erik Gaspar, Commissioner
Rebecca Gendreau, Conservation Agent

Also Present:
See Attached Login Sheets

Absent:
Steven Chidester, Vice-Chair

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

6:00 PM Open Meeting – Quorum confirmed.

Committee Updates:
CPA – No. report.
Trail Committee – This past Saturday was a workday. Workers laid approximately 700 LF of fine gravel down on the trail by some workers while others trimmed overgrowth on the trail.
Open Space Committee – No report.
Lakes Advisory Committee – No report.

Approval of minutes:
April 16, 2019, Motion to approve the minutes by D. Barnicle, 2nd by S. Halterman, VOTE: 3-yes, 1-no, 1-abstain (Gaspar), 1-absent (Chidester).
May 7, 2019, Motion to approve the minutes by D. Barnicle, 2nd by S. Halterman, VOTE: 3-yes, 1-no, 1-abstain (Gaspar), 1-absent (Chidester).
May 21, 2019, Motion to approve the minutes by D. Barnicle, 2nd by S. Halterman, VOTE: 3-yes, 1-no, 1-abstain (Gaspar), 1-absent (Chidester).
July 16, 2019, Motion to approve the minutes by E. Gaspar, 2nd by D. Barnicle, VOTE: 3-yes, 1-no, 1-abstain (Halterman), 1-absent (Chidester).

Walk-ins

Glenn Colburn, Opacum Land Trust, appeared before the Commission seeking the Conservation Commission's support to hold a Conservation Restriction for a tract of land within Sturbridge to become part of a Forest Legacy Project. The land is on Breakneck Road adjacent to the Connecticut border. The property owner approves of the request. The inclusion of this land in the project would ensure that use of the land would be restricted to forestry use in perpetuity. The land could not be used for house lots in the future. The landowner will maintain ownership of the property. It will be protected forever from development but the land will remain for private use by the owner. The conservation restriction will carry over to any new/future property owners.
Commission: The Commission stated that they support the concept but would need more details and to see the Conservation Restriction details prior to signing. They added that the Selectmen would first need to approve the request before the Conservation Commission could sign as well.
Action: On motion of D. Barnicle, seconded by S. Halterman, the Commission approved their support of the Forest legacy project contingent upon the approval of the Board of Selectmen. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

S. Halteman read the opening notice for the Public Hearings.

Public Hearings

6:15 Notice of Intent; DEP File #300-1039; 36 Tantasqua Shore Drive, Drill a new artesian well at an existing single family house with associated other site work; Rathbone, B., Represented by Summit Engineering & Survey, Inc.

Documents: Site Plan by Summit Engineering

Steve Bressette of Summit Engineering appeared before the Commission seeking approval for the installation of a new artesian well. He advised the Commission that the Board of Health had visited the site and agreed that the proposed location for the well is the best location keeping the conservation restrictions in mind. A leveling pad will be needed for the truck, but the property will be restored to its original condition after the well is complete. Erosion controls will be put in place as well, a triple stack silt sock will be used instead of a berm.
Agent: R. Gendreau informed the Commission that she has no concerns for the proposed project. The location for the well is in a previously disturbed area of lawn. She recommends the typical conditions for the project; the spoils to be removed after and the site is to be returned to its original condition and maintained afterward.
Action: On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the installation of a new arteisan well as described on the plans by Summit Engineering dated June 20, 2019. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

6:30 Notice of Intent; DEP File #300-1038; *Continued from July 16, 2019;* 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.

Documents: Site Plan by DC Engineering

Jason Dubois of DC Engineering appeared before the Commission seeking approval for the installation of a paved driveway to replace an existing gravel driveway and the restoration of a portion of a gravel driveway. The project site is located between the 100 and 200 foot buffer zone. He advised the Commission that the adjacent property owner believes part of the project is on his property.
Agent: R. Gendreau informed Mr. Dubois that the project could proceed as proposed if the abutter agrees to the plan.
Abutter: J. Skowyra, the aforementioned neighbor, informed the Commission that he is concerned that his portion of the property detailed on the plan will become a lawn area and he does not want lawn. He asked if the driveway is required to be a certain distance from his property line. He also asked if erosion controls are installed on his property and then removed and subsequently fails, who is responsible, he does not want to be held responsible. Lastly, he requested his property line be documented on the site.
Owner: No present. J Dubois stated that he is willing to do whatever the abutter wants done.
Action: On motion of D. Barnicle, seconded by S. Halteman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by S. Halterman, the Commission voted to continue the request to the September 17th meeting at 6:45 pm. At that time a plan that addresses the comments from the adjacent neighbor (312 The Trail) and his signature on the application should be presented. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

6:45 Request for Determination of Applicability; *Continued from July 16, 2019;* 130 & 140 Fiske Hill Road; Goulas, G., Allsworth LLC; Represented by EBT Environmental Consultants, Inc.

Agent: R. Gendreau advised the Commission that the Applicant requested this item be continued to September 17tth.
Action: Consensus Vote: All in favor. 4-yes, 0-no, 0-abstain, 1-absent (Chidester). The request is continued to September 17th at 6:30 pm.

7:00 Notice of Intent; DEP File #300-1035; *Continued from July 16, 2019;* 70 Westwood Drive, Construction of a single family house and associated site work; Wages J., Represented by Jalbert Engineering, Inc.

Documents: Site Plan

L. Jalbert appeared before the Commission seeking approval for the construction of a single family home at 70 Westwood Drive. This is a revised plan after reviewing the original plan from a different engineer (original prepared by Green Hill Engineering). The home is moved more northerly on the new plan, and is more parallel with the lake rather than the property line. Stairs fashioned from ties and pea stone will lead from the home down to the lake front area. Two other permits have been issued in the past for the property, one for a shed/boat house, and a second for a boat lift. Mr. Jalbert advised the Commission that there is also an existing deck on the lake front area that they are seeking to extend this deck to connect it to the existing boat dock. The roadway, sewer line, and well location remain in the same location as the previous plan. The stormwater management plan includes two catch basins with pea stone run-off. He added that there is a 900SF difference in the size of the proposed home, the limit of work line is also smaller causing less disturbance and saved almost the entire hill.
Agent: R. Gendreau advised the Commission that she just received the revised plan today and has not had time to review them in detail yet. She noted that the requested deck addition is within 25 feet of the lake. R. Gendreau stated that the owner had taken the Commissions previous comments into account with this revised plan by detailing plans, and as long as they return the slope back to vegetation and ensure that the work near the bank doesn't extend then the project would appear to be permittable.
Commission: E. Goodwin thanked the owner for taking their comments into account in the new plan. S. Halterman agrees that the sloped are needs to be returned to vegetation and wants to limit the area of disturbance/work on the shoreline. E. Goodwin inquired about the amount of soil to be removed from the site.
Applicant: L. Jalbert advised the Commission that the original plan called for the removal of approximately 300 yards, but the new plan will utilize the displaced soil on site so no soil will be leaving the site. He added that the deck addition will in effect be a floating deck on top of six pillars.
Action: On motion of D. Barnicle, seconded by S. Halteman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by E. Gaspar, the Commission voted to approve the request for DEP File #300-1035 to construct a single family house and associated site work including a deck addition with the inclusion of general conditions plus the following special conditions: 1) defined area of use on the shoreline; 2) steps to lake to be located on the dock; 3) vegetation installed on the slope. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

7:15 Notice of Intent; DEP File #300-1036; *Continued from July 16, 2019;* 4 Regep Lane, Construction of a single family house and associated site work; Baltazar, R.; Represented by Jalbert Engineering, Inc.

Documents: Site Plan

L. Jalbert appeared before the Commission seeking approval for the construction of a single family home at 4 Regep Lane. The Commission asked the applicant to come back with a planting plan for the project and Mr. Jalbert has done so this evening. The plan calls for specific plants on the slope per the Commission's request for vegetation. The plan also details a 2 foot detention basin to accommodate a 1" rainfall with overflow under rip rap to dissipate. The home will have town water and sewer.

Agent: R. Gendreau advised that the planting plan seems sufficient for the project. She advised the applicant that it is their responsibility to maintain the detention basin so that it works properly.
Commission: D. Barnicle stated that he did not feel the detention basin was large enough to handle the rainfall. Mr. Jalbert advised him that the basin could be enlarged as required by the Commission. D. Barnicle inquired about the level of the house to the road. Mr. Jalbert informed him that it was 4 feet.
Public: S. Waters, 38 Farquhar Road, asked for clarification of her home in relation to the project on their plan.
Action: On motion of E.Gaspar, seconded by S. Halteman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Notice of Intent DEP File #300-1036 for the construction of a single family home at 4 Regep Lane with the following notes: the retention basin must be enlarged and rip rap is to be added on the overflow side. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

7:30 Notice of Intent; DEP File #300-1042; *Continued from July 16, 2019;* 179 Main Street, Installation of a stormwater management system within a commercial parking lot. 179 Main Street LLC; Represented by Bertin Engineering, Inc.

Documents: Revised Site Plans, detail plans

C. Bertin, Bertin Engineering, appeared before the Commission on behalf of the owner with a revised site plan addressing the Commissions comments regarding the size of the infiltration trench for the project. C. Bertin informed the Commission that this plan enlarges the infiltration trench from 2 ft to 5 ft. It also calls for the development of a berm along the guard rail made from regraded asphalt millings (there is a natural berm of soil there now) which will slope back toward the lot. Should water flow past the infiltration trench it will hit the berm and be directed back into the lot and the infiltration trench. He added that should a large storm cause the trench to fill up and spill over, the slope of the berm will allow the water to pond up, two broken areas of the berm will allow ponded water to overflow to the rear of the property and dissipate. A scour hole will also be installed to catch water flow. When water enters it it's energy is lost and can then dissipate slowly. Next they reviewed the roof drains from the structure using video to trace discharge locations. He submitted a brief report with pictures of the roof. Four drain locations were noted, one center, one in the southwest corner and 2 on the lower roof elevation. The center roof drain catches most of the roof water and moves it through a 4' pvc pipe to the drywells. The lower roof drains discharge up high on the lot so they plan to install gravel swale to move the water towards the trench. The gutters on the structure are only there to catch overflow from the roof drains. The plan also noted two snow stockpile locations, these locations were historically used as such. When the snow melts it will go across the lot to the infiltration trench.
C. Eaton, CME, the 3rd party reviewer for the Commission reviewed the plans with the following comments. Crushed stone should be used for the infiltration system and it should be underlain by filter fabric, and must be maintained. The roof leader going to the drywell system should be enlarged from a 3" pipe to a larger size. The interior pipe size could remain 3" but the exterior leading to the drywell should be larger. Regarding the snow pile locations, he asked R. Gendreau to suggest some locations. She indicated that she would like to see them inside the stormwater management area. She added that they will need to ensure the operation plan is maintained and that the stock piles and snow compaction does not block the infiltration areas preventing the water from getting into it.
Commission: D. Barnicle asked if the plows would damage the berm if made from asphalt millings. C. Bertin stated that they would not as the berm is protected by the guardrail. E. Goodwin asked if the dry wells were large enough to contain water preventing it from flowing to neighbor's property. B. Tully Owner informed the Commission that each dry well will hold 1000 gallons of water each and will only overflow after they fill. E. Goodwin stated that he is opposed to the use of asphalt millings near a wetland as studies have indicated there is potential for toxins to be released from the millings.
Agent: R. Gendreau asked C. Bertin if he is confident that the roof drainage plans will work. HE advised her that with the 2 drywells the plan can accommodate/contain a 1 or 2-year rain flow.

Public: L. Petersen, 47 Farquhar Road, stated that she is opposed to the use of the asphalt millings for the berm. C. Maramo, 7 Blueberry Lane, asked if a water analysis had been done. He stated that the driveway to the back lot has changed as well, going from 15 ft wide to about 25 ft wide now.
Agent: R. Gendreau advised the public that the plan submitted in 2012 did not include any changes to the driveway to the back lot and was done without the Conservation Commission's knowledge. C. Bertin indicated that when the pipe behind the gas station was improved, curbing and landscape islands were installed at 179 Main Street that changed the flow. The water hits the curbing and flows down to the back lot. R. Gendreau said she recently visited the site during a heavy storm and noted that the water is flowing down behind the dumpster and out.
Commission: S. Halterman stated that he feels there has been a change in the elevation of the catch basin over time which is blocking the water from accessing the pipe. There needs to be a change to that design to accommodate the waterflow. He also feels that the drain pipe is the problem and if the water flowed over the land it may be a better option.
C. Eaton advised that there needs to be a compromise in which some water flows through the pipe and some over the land.
C. Bertin suggested a depression behind the dumpster, and agreed to alter the elevation of the drain in the field.
Commission: Agreed and feels that the applicant is submitting the most practical plan for a stormwater management for the site.
Action: On motion of D. Barnicle, seconded by S. Halterman, the public hearing was closed. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved DEP File #300-1042 with amendments and notes discussed at the meeting and instructed for Mr. Bertin to include on the plan; and to include an individual monitor for the project to ensure it operates as anticipated and kept maintained. Vote: 3-yes, 1-no, 0-abstain, 1-absent (Chidester).

7:45 Abbreviated Notice of Resource Area Delineation; DEP File #300-1037; *Continued from July 16, 2019;* 650 & 680 Route 15, Seeking approval of delineated resource areas on the subject parcels. Landing Rock LLC; Represented by McClure Engineering, Inc.

Documents: Professional Services Proposals

Agent: R. Gendreau advised the Commission that no representatives for this project are to appear tonight. The Commission is merely reviewing and choosing a 3rd party reviewer for the project this evening. Five proposals were requested and three proposals were received from GZA, Lucas Environmental and Ecosystem Solutions.
Commission: D. Barnicle asked R. Gendreau who the 3rd party reviewer was for the Douty Road project as the Commission was impressed with their work. R. Gendreau advised the Commission that GZA was the company utilized for the Douty Road project 3rd party reviewer. E. Gaspar asked who is responsible for the cost of the 3rd party reviewer and he was informed that the applicant is responsible for that payment.
Action: On motion of E.Gaspar, seconded by S. Halterman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the execution of a contract with GZA for 3rd party review services in connection with the ANRAD for DEP File #300-1037 for 650 & 680 Route 15. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

8:00 Notice of Intent; DEP File #300-1041; 15 Long Ave., Replacement of a failing shoreline wall. Quist, J. represented by M. Thibeault dba/ Landscape Evolution.

Michael Thibeault, Landscape Evolution, appeared before the Commission seeking approval for the replacement of a failing shoreline wall. The proposed plans call for the replacement wall to be constructed with boulders and crushed stone behind the boulders which will allow the water to wash up on the wall and filter behind the boulders. This proposal is habitat friendly. They are seeking to replace 190 linear feet of failing wall. The non-failing wall will remain as mortared stone. They plan to do the

work in sections with live loading of failed wall and rebuild before moving to the next section. The work will be done during the lake drawdown this November. Straw wattle and silt fencing are proposed for erosion control. The applicant is also seeking permission to install three stairs to the lake and a 13 x 22" patio. Work will be done in phases.
Agent: R. Gendreau advised the Commission that this contractor was the same contractor as the recent South Shore project. This project does not include any natural bank impact as is currently a wall. She stated that she feels the phasing of the work with live loading is a good idea, that the erosion control specified are sufficient, and that the lake drawdown is the optimal time for the repairs. Regarding the patio, she informed the Commission that the proposed site is already a lawn site.
Commission: S. Halteman advised the applicant that the Commission normally requires a break in a retaining wall for animals etc. to be able to get from the water to land. He asked if the proposed plan would accommodate this requirement. The contractor answered positively. D. Barnacle asked if the boulder line was going to be above the lawn area. He was advised that in some areas it will ask the size of the boulders are sporadic. D. Barnicle also inquired about the distance of the proposed patio area to the lake. He was informed that the distance is approximately 8 feet. D. Barnicle reminded the applicant that the Commission generally requires at least 25 feet between the water and any structure/disturbance. E. Gaspar commented that the area was already lawn being utilized by people.
Action: On motion of E.Gaspar, seconded by S. Halterman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of E. Gaspar, seconded by S. Halterman, the Commission approved the Notice of Intent DEP File #300-1041 and site plan for the repair of a failing shore line wall and the installation of a patio on an existing lawn area within 25 feet of waterfront. Vote: 3-yes, 1-no (Barnicle), 0-abstain, 1-absent (Chidester).

8:15 Notice of Intent; DEP File #300-1043; 31 South Shore Drive, Construction of a Drainage Infrastructure to treat and redirect runoff; Allard G. & M. represented by Steven Bressette of Summit Engineering & Survey, Inc.

Documents: Site Plan, detail plans

S. Bressette, of Summit Engineering, appeared on behalf of the owner to present a plan to abate the nuisance to neighbors and stormwater management to the Commission. The plan intends to catch the water high at the top of the property in a catch basin and prevent it from running down to other properties. A second catch basin will be placed near the end of the Allard's driveway to catch run-off from the first basin and will discharge/drain out the back side of their property. A third sediment basin will be located even further down the road and discharge out the back as well. Lastly a slight swale will be installed. He feels this plan will catch everything before it gets to the Seguin property. In addition, the crown for the road will be recreated. S. Bressette presented the cross plan for the swale, numbers for handling the water.
Agent: A site visit was performed and the following items were noted. She would like to see stone pulled back away from the trees. She recommended that should the permit be approved that it should remain open for three years to monitor the system and to ensure the system is being maintained. Spoke to DPW. They have been on site no concerns. Flags/plastic markers for snow plowing would be advisable. Planning stated that a variance would not be needed for the catch basin.
Public: P. Mimeault, abutter, appeared and expressed his concern for the installation of a catch basin 2 ft from his property line. S. Bressette stated that he could move the location of the basin 3ft making the location 5 ft from the property line. J. Sequin, abutter, advised the Commission of his concerns with the plan stating that he does not feel the plan addresses all of the issues. He inquired if the enlarged stone parking area will be able to remain even though it was not permitted, if the berm will be removed, if the culvert will be maintained and if there will be a shift of responsibility from the Allards to the Contractor once the work begins.
S. Bressette advised that the berm will be removed when the shallow grassy swale is installed. Regarding the culvert, Mr. Bressette stated that this plan does not include work in or around the culvert and is not addressed by this plan. Lastly, he noted that the maintenance of the property during the construction phase will be on the contractor but once the work is complete the permit reverts back to the property owner.
Public: J. Seguin asked if the perennial river is shown on the plan, adding that it is the cause of all of the water problems. L. Kokalis, Chairman of the Sturbridge BOH, agreed stating that the issues started with

a BOH order pertaining to the perennial river. She expressed her desire to have the perennial river included on the plan as well. R. Mimeault asked how the construction will be managed, keeping in mind that it is very near the road and children are in school, at bus stops etc. She is also concerned about mosquitos around the catch basin that is immediately adjacent to her property.
S. Bressette advised the Commission that the project will be completed in phases and that safety of all would be a priority.
Commission: E. Goodwin advised S. Bressette that the project work area must remain on the Allards property, it cannot encroach on any abutter property. He also advised P. Mimeault that Mr. Allard has the right to do work on his own property.
Action: On motion of E.Goodwin, seconded by S. Halterman, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of S. Halterman, seconded by E. Gaspar, the Commission approved the permit for DEP File #300-1043 with special conditions including but not limited to: safety measures for pedestrians on the road; no materials are to impact the neighbor's property in any way; expand the operational maintenance plan to include the deposit of mosquito cakes into the catch basins, and the removal of the expanded crushed stone area. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

8:30 Notice of Intent – Sturbridge Wetland Bylaw; SCC File #19-51, 59 New Boston Road, Construction of a Single Family Home; 123 Kids LLC, Represented by Dubois, J. of DC Engineering.

Jason Dubois, DC Engineering, appeared before the Commission seeking approval for the construction of a single family home at 59 New Boston Road. The project is in the outer buffer zone and falls under the Sturbridge Local Wetland Bylaw only.
Agent: R. Gendreau performed a site visit. She noted that the wetland is a potential vernal pool and the Commission could extend their jurisdiction to include the upland area if desired. She recommends tightening up/shortening the work area on the hill. She advised the applicant to ensure that the roof run off is handled in a manner that it does not flow to the potential vernal pool. She also recommended that the Commission could ask for permanent markers for the vernal pool/wetland are be installed so that future property owners know they can not disturb that area.
Commission: D. Barnicle asked if land was going to be removed from the site. He was advised that it would not as fill is needed for the project. D. Barnicle stated that he wants the trees in the background to remain.
Action: On motion of S. Halterman, seconded by E. Gasparn, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Notice of Intent-Sturbridge Wetland Bylaw Permit SCC #19-51for the construction of a single family home at 59 New Boston Road upon the condition that the limit of work line being moved up to the 87 line. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).

<u>Old Business</u>

- **DEP File #300-251; Hobbs Brook Plaza, 200 Charlton Street:**
  Agent: R. Gendreau reported that the Owner started doing the borings but had to stop due to weather. They were to resume with the following week or two. No update further update on the borings but R. Gendreau informed the Commission that the Owner is moving forward to develop their plans.

- **Hamilton Rod & Gun Club & Rampco Enforcement Order:**
  Agent: R. Gendreau reminded the Commission that the Town had issued an earth removal permit to the club. The contract with the company performing the work is set to expire in January 2020.While they have started some work it is not complete and will need to be by January. R. Gendreau asked Rampco for a project timeline and they replied that they should have that in a week or two. He added that he intended to have the entire project complete this year. HRGC/Rampco will also work on cleaning out the spillway. R. Gendreau approved making the spillway bigger and adding rip rap.

Commission: D. Barnicle stated that they need to complete their work before the end of the growing season, not January, otherwise the new plantings won't hold during the winter season.
Action: R. Gendreau will send summary letter to RAMPCO/HRGC with what needs to be done by November 1, 2019 including final stabilization work.

- **MA DOT Site Visits / Cedar Lake Enforcement Order**
  Agent: R. Gendreau advised the Commission that there was a site visit at the end of July with MA DOT representatives, R. Ricard, S. Chidester and herself. They walked every drain structure to identify all the needed repairs. MA DOT will submit a plan next week with a short term plan for all the items identified that can be done in the short term. Then by Thanksgiving they will submit the plan for long term repairs. They will be at the next meeting to present their short term plan.

- **53 Caron Road, Emergency Authorization for home oil spill from outside storage update:**
  Agent: The Commission was advised that the cleanup activities have begun however work seemed to be slow to start and little progress had been made. So R. Gendreau reached out to DEP who called the owner, contractor and their insurance company to push the work along. R. Gendreau performed a site visit today and noted that clean up work had started. A vacuum truck was being utilized to pull oil from the soil. She advised the Commission that she was informed that the remediation could be a six week process.

- **27 Ladd Road, Sellew, 508 International Enforcement Order**
  Agent: R. Gendreau reported that she has not received any correspondence from 508 International since the Enforcement Order was issued. No RDA, no property owner authorizations, and no property boundaries identification have been submitted. R. Gendreau conferred with Town Counsel advising him that compliance with the Enforcement Order does not seem eminent within the 60 day appeal period. Town Counsel advised her to issue letter to 508 International and the property owner notifying them that they need to comply with the Enforcement Order by certain date to avoid further action being taken by the Conservation Commission. If they do not comply then it could move to the court system.
  Action: Agent per Town Counsel will send letter advising them to comply with enforcement by drop dead date, if no reply will move to court system.

<u>New Business</u>

- Restructuring of the Conservation Commission FY 2020
  Action: **POSTPONED to September meeting**

- Cedar Lake Aquatic Vegetation Management DEP File #300-726
  Resident of the lake community came to the Conservation Office and expressed his concern regarding a letter he received advising him the draw down would take place on October 15th this year. He informed R. Gendreau that the regulations specify November 1 as the draw down date. Cedar Lake Association had gained permission for Conservation for an early draw down a few years ago and were under the impression they could do so every few years. However, after researching the issue it was determined that the early draw down approval was a one time authorization. R. Gendreau reported that no formal request to amend the draw down date from November 1st to an earlier date on alternate years had been requested and/or approved. R. Gendreau advised the Cedar Lake Association that they would need to perform the lake draw down on November 1st per their permit on file.

<u>Emergency Authorizations</u>

MA DOT Route 49 – Beaver Dam Breach
Agent: R. Gendreau advised the Commission that she authorized them to lower the water level 6inches. If any further work was necessary, they would need to return with a long term plan. Board of Health is aware of the breach and also approved of the breach and trapping.

Request for Certificate of Compliance

660 Main Street, DEP File #300-0980, Heal, Inc.
R. Gendeau visited the site. She stated that they are mostly wrapped up, but still have cuple small items to complete. She advised the Commission that she did not feel the site was fully stabilized where the erosion controls were removed. She would like to hold off on issuing the Certificate of Compliance until she sees more stabilization.
Action: Consensus Vote: Commission voted not to approve the Request for Compliance. (0-yes, 4-no, 0-abstain, 1-absent (Chidester).

287 Cedar Street, DEP File #300-0805, T Reardon Builders
R. Gendreau advised the Commission that this is an old Orders of Conditions from 2009. The property is for sale and they are seeking the Certificate of Compliance. A letter from the project engineer was submitted stating that the project is substantially complete as per the site plan. There is one perpetual condition for the property. R. Gendreau recommends approving the request.
Action: Consensus Vote: Commission voted to approve the Request for Compliance with one perpetual condition. (4-yes, 0-no, 0-abstain, 1-absent (Chidester).

18 & 16 Cedar Lake Drive, DEP File #300-934, B. Oxman
The Commission was informed by R. Gendreau that this is a tiny parcel of land where the house burnt down and the owner was going to rebuild on the land. The home was never rebuilt and as such the Orders of Conditions is Invalid and she recommended approving the request so the OOC can be taken off the property records.
Action: Consensus Vote: Commission voted to approve the Request for Compliance as Invalid since project was never done. (4-yes, 0-no, 0-abstain, 1-absent (Chidester).

Changes to Orders of Conditions

DEP File #300-1021; 30 River Road, RV Management Services, LLC; Dam removal and stream restoration.
Scott Morrison of Ecotec appeared before the Commission seeking a minor change to the Orders of Conditions for the project site. They requested approval for the revision to the protocol for the dam removal. The new plan will allow the contractor to get to the site through the back with a smaller machine to pull out the concrete allowing them to trim tree limbs to get to the site instead of needed to remove trees. Only a small amount of land will need to be traversed and it will be restored and reseeded after the work is complete. The banks will also be restored and the plantings will be as per the previously approved planting plan. S. Morrison also asked to include the removal of 6 additional dead trees to the permit. He informed the Commission that large branches had fallen off the trees during recent storms causing safety concerns.
Commission: Advised S. Morrison to make sure that all of the asphalt is removed from the site.
Action: Consensus Vote: Commission voted to approve the minor changes to the Orders of Conditions for DEP File #300-1021, as it relates to the plan for dam removal; specifically equipment access to site was revised. (4-yes, 0-no, 0-abstain, 1-absent (Chidester). R. Gendreau will perform a site visit to review the tree removal request.

Letter Permits

Tree Removal Permit Application – 96 Allen Road
Tree removal request. 1 dead tree.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Tree Removal Permit Application – 108 South Shore Drive
Dead Tree removal request.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Wetland Bylaw Letter Permit: 17 Adams Road
Replacement of a utility pole; National Grid; BSC Group
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Wetland Bylaw Letter Permit: 13 Adams Road
Repair of failed upland stone retaining wall.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Wetland Bylaw Letter Permit: 40 Beach Avenue
House Addition w/in 200 foot buffer zone
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Tree Removal Permit Application – 110 Leadmine Road
Tree removal request. 1 dead tree.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Tree Removal Permit Application – 128 Leadmine Road
Tree removal request. 2 dead trees.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Wetland Bylaw Letter Permit: 12 Ridge Hill Road
Construct 10 x 12 deck on existing home; original plan prior owner that was approved was for a 12 x 12 deck.
Consensus Vote: All in favor with stipulation that no roof be permitted for the deck in the future (4-Yes, 0-No, 1-Absent (Chidester).

Tree Removal Permit Application – 106 South Shore Drive
Tree removal request. 3 dead trees.
Consensus Vote: All in favor (4-Yes, 0-No, 1-Absent (Chidester).

Forest Cutting Plans

220 Holland Road; 57 Acres; Michael Bartlett, Forester; M. Ward, J. Ward, K. Palmer landowners
Agent: R. Gendreau stated that this site is located near the golf course and lies on both sides of the road. On the West side there will be a thin harvest of trees damaged by gypsy moths and they will use wooden swamp mats. On the East side there is a small potential vernal pool. R. Gendreau advised the Commission that DCR visited the site and is not concerned with the plan which is a very thin harvest.
Consensus Vote: All in favor of approval of the Forest Cutting Plan at 220 Holland Road as presented. (4-Yes, 0-No, 1-Absent (Chidester).

Extension Request - Fiske Hill Road; 40 Acres; John Clarke, Forester; Spencer Solar, LLC landowner
Agent: R. Gendreau reported that this is an extension request for a previously approved Forest Cutting Plan from 2017. There are no changes to the actual plan. The extension has been approved by DCR.
Consensus Vote: All in favor of approval of Extension to the previously approved Forest Cutting Plan on Fiske Hill Road. (4-Yes, 0-No, 1-Absent (Chidester).

On motion of D. Barnicle, seconded by S. Halterman, the Conservation Commission adjourned the August 20, 2019 meeting at 11:21 pm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Chidester).