

Sturbridge Conservation Commission

Approved Meeting Minutes
Tuesday, September 17th, 2019
Approved October 1, 2019

6:00 PM Open Meeting – Quorum check

Committee Updates

- **CPA:** No Report.
- **Trail Committee:** D. Barnicle reported that the Trails Committee met last Tuesday, the Riverlands Project progressing well, some of the equipment approved by the town is now at DPW and is road worthy. D. Barnicle also advised the Commission that a study is currently underway for the development of a ski trail at Long Pond.
- **Open Space Committee:** No Report.
- **Lakes Advisory Committee:** No Report.

Approval of minutes:

- **June 6, 2019:** On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the June 6, 2019 meeting as amended by D. Barnicle. Vote: 4-yes, 0-no, 0-abstain, 1-absnet (Goodwin).
- **June 18, 2019:** On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the June 18, 2019 meeting as amended by D. Barnicle. Vote: 4-yes, 0-no, 0-abstain, 1-absnet (Goodwin).
- **August 20, 2019:** On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the August 20, 2019 meeting. Vote: 3-yes, 0-no, 1-abstain (Chidester), 1-absnet (Goodwin).

Walk-ins

D. Miller of 501 Leadmine Road appeared before the Commission seeking permission to remove 4 trees on his property and trim the limbs of several other trees. He noted that two of the trees are deceased and two are delining/distressed and an arborist recommends removal.

Agent: R. Gendreau advised the Commission that she has no concerns regarding the removal of the trees as requested. The trees are over 25 feet from the water and there are plenty of other trees on the site so replacement is not a necessity.

Action: On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the removal the four specified trees at 501 Leadmine Road and the pruning of additional limbs on remaining trees. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

Public Hearings

6:15 Notice of Intent; DEP #300-1043; 68 Westwood Drive; Relocation of existing landscape wall. Owner: N. Allen, Represented by: L. Jalbert, Contractor: Landscape Evolution

Documents: Site Plan, Photos, Site Plan Detail

L. Jalbert of Jalbert Engineering appeared before the commission of behalf of 68 Westwood Drive owner, N. Allen seeking permission for the relocation of a retaining wall. The plan calls for the yard to be extended approximately 13 feet and a retaining wall installed and ground leveled. The wall will be a dry stone wall and no trees will be removed for this project. The proposed wall will be within the 50 foot buffer zone, with the wall coming nearest the lake at 29 feet which is beyond the 25 foot no disturbance zone.

Agent: R. Gendreau reported that the proposed area of work/disturbance had previously been permitted for use. She added that she did not believe there would be any long term impact to the resource area. She advised the Commission that Landscape Evolution is the contractor for the project and has already completed similar work near the lake that the Commission was pleased with. R. Gendreau informed L. Jalbert that an adjacent abutter had visited the office with concern about a shed that appears to be on her property per the presented project site plan. Lastly, R. Gendreau stated that there is an open Orders of Conditions for this property that L. Jalbert should request a Certificate of Compliance for.

Commission: E. Gaspar asked L. Jalbert for the height of the retaining wall, and he was advised that the wall would be 3 feet high.

Action: On motion of D. Barmicle, seconded by E. Gaspar, the Commission voted to close the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barmicle, seconded by E. Gaspar the Commission approved the request for permit for DEP File# 300-1043 for the relocation of a retaining wall at 68 Westwood Drive with authorization to relocate the shed (currently situated over the property line of adjacent property) within the existing yard area. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

6:30 Request for Determination of Applicability; Continued from August 20, 2019; 130 & 140 Fiske Hill Road; Goulas, G., Allsworth LLC; Represented by EBT Environmental Consultants, Inc.

Action: Consensus Vote: All in favor of continuing this request to October 1, 2019 at 8:15pm at the request of the Applicant who is currently in the exploratory aspects of the project and is still performing perc testing, 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

6:45 Notice of Intent; DEP File #300-1038; Continued from August 20, 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.

J. Dubois of DC Engineering & Survey appeared before the Commission with a revised plan for the above referenced project. At the last meeting, the Commission had advised J. Dubois that since the plan called for work on an abutter's property the plan would need said abutters formal approval. Based on the Commission and the abutter's comments at the last meeting, the new plan removed the work associated with the abutter's property.

Agent: R. Gendreau informed the Commission that she reviewed the new plan and confirmed that no work will take place on the neighbor's property. She added that the Owner had also signed the NOI. She has no concerns regarding the revised project and recommends approval with typical conditions and a clause that the "swale will be maintained for function".

Commission: D. Barmicle stated that he preferred the driveway remain unpaved.

Action: On motion of D. Barmicle, seconded by E. Gaspar, the Commission voted to close the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barmicle, seconded by E. Gaspar the Commission approved the request for permit for DEP File# 300-1038 for the installation of a paved driveway to replace an existing gravel driveway at 314 The Trail as detailed in the revised plan presented tonight, with typical conditions plus a clause to ensure the swale is maintained. **Vote:** 3-yes, 0-no, 1-abstain (Chidester), 1-absent (Goodwin).

7:00 Abbreviated Notice of Resource Area Delineation; DEP File #300-1037; Continued from August 20, 2019; 650 & 680 Route 15, Seeking approval of delineated resource areas on the subject parcels. Landing Rock LLC; Represented by McClure Engineering, Inc.

Documents: McClure Engineering Site Plan – 4 sheets; GZA Report

Robin Casioppo, GZA (3rd Party Reviewer) and Peter Engle, of McClure Engineering representing the applicant, appeared before the Commission for a review of the 3rd Party Reviewer's report.

Delineated the perennial stream at 650 680 Route 15 along with wetlands uphill in the back of the property associated with the perennial stream and we are seeking approval of ORAD of that delineation.

Agent: R. Gendreau reminded the Commission that this is a large parcel of land but we are only looking at a small section/specific area of the properties at this time. A portion is on each property. She added that we are unaware of the full plans for the site are and have recommended to the applicant that they explore the entire site or at least expand the scope, but applicant chose not to do so. Applicant was advised that should the full scope of project impact area within a buffer zone or resource area not shown then they may need to go back and reexamine site.

GZA: Site visit Sept 6th looked at every flag on the site and on the plans. Originally thought she should not find several flags but then realized that there are actually more flags at the site then noted on the plans. She understands why the additional flags are there, they are bank flags (BBW) and are projecting the buffer and not necessarily the bank. She noted in her report one area where she thinks it would be beneficial to show those flags on the plan as it paints better overall picture of the site. Particularly the area where an intermittent stream, a tributary to Leadmine Brook, enters the stream and it is difficult to tell based on the plans where the bank or mean annual high line of Leadmine Brook is, as it is just shown as a straight line on the plans. R. Casioppo also informed the Commission that there was an area on sheet A3 where she is proposing further investigation stating that she noticed just north of flag R67, 68 and 69, there is a break there hydrofidic vegetation and soils. After investigating further, she thinks the line can be expanded a bit north. Also between flag 788 and 814A she observed dark soil areas that appear to lead down to the R67, 68, 69 area. She thinks there is a connection between the wetlands in that area.

Agent: R. Gendreau stated that we will need to flag the area noted by GZA and incorporate on plans. Need to determine who/how that will be done.

P. Engle: P. Engle will speak with the applicant and see how he wants to proceed.

Action: On motion of D. Barmicle, seconded by E. Gaspar, the Commission voted to close the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by E. Gaspar the Commission voted to continue discussion of the ANRAD for DEP File# 300-1037 at the October 1, 2019 meeting at 8:30pm. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

7:15 Request for Determination of Applicability; 11 Draper Woods Road; Installation of an In-Ground Pool with Concrete Decking, including the removal of 3 trees; J. Ventetuolo, Property Owner

Documents: Site Plan

J. Ventetuolo, Owner of 11 Draper Woods, appeared before the Commission seeking approval of a permit to install a 14' x 20' in-ground pool with concrete decking at 11 Draper Woods Road, and permission to remove three trees just outside the fence line.

Agent: R. Gendreau advised the Commission that the pool will be outside the 50 foot buffer zone within an existing lawn area. The fill will be removed from the site by live loading. She recommends normal sediment control procedures and a clause that no pool water will be discarded into the wetlands. Regarding the tree removal request, R. Gendreau reported that one tree is deceased and two are on the fence line just outside the fence.

Commission: D. Barnicle stated that he feels the live trees should remain. E. Gaspar stated that he felt there were enough additional trees behind those trees to approve her request.

Action: On motion of D. Barmicle, seconded by E. Gaspar, the Commission voted to close the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by E. Gaspar the Commission approved the Local Wetland Bylaw Permit for 11 Draper Woods Road for the installation of an In-Ground Pool with Concrete Decking, including the

removal of 3 trees with the conditions that the fill is removed from the site via live loading, sediment controls are in place as specified in permit, and no pool water is to be discarded into the wetlands with the following determinations +2B, +5 and -3. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

Old Business

- **MA DOT Enforcement Order Cedar Lake: W. Clougherty, of MA DOT, and P. Reed, of BSC Group were present to discuss short term repair plans, access to the work sites, and proposed start date/timeline.**

P. Reed advised the Commission that he sent a letter to R. Gendreau detailing a forthcoming short term plan for repairs along with some photos. Today he presented her with the south side construction plan for the project. The plan includes a plunge pool located immediately downstream from the culvert as discussed during a July 31st site visit/walk. They are seeking feedback from the Commission pertaining to access to the paved swale for the work. Their original plan to come in across northern part of the lake is a concern even with use of mats. They added that there is a forced sewer line there to consider as well. They want to consider accessing the area through 126 Westwood Drive or between 99 and 126 Westwood Drive. They advised the Commission that MA DOT had previously used 126 Westwood to access the lake for dredging, and that less tree clearing will be needed utilizing this route. Accessing the work site between 99 and 126 Westwood would impact two properties and require twice as many trees be removed. Further, they advised the Commission that if they access the site through resident's properties they would prefer to do the work when the ground is frozen to prevent unnecessary lawn damage. The Commission was also informed that the contractor is concerned about removing the concrete from the site and would like to crush the concrete in place and reuse it on the site during the repairs. This concrete will be the portion from the "crack" to the base of the swale plus some above the crack, but there will be a good portion of concrete swale remaining before it becomes asphalt. Lastly, they advised the Commission that MA DOT had placed cameras in all three pipes at the site (the one that was known to have failed plus two others) and determined that all three pipes had failed. Repair/replacement of those pipes will be accomplished through a long-term plan.

Agent: R. Gendreau advised W. Clougherty and P. Reed that the contractor will need to be sure to review the original plan that details all of the areas of concern about soil erosion and plan for soil controls. She also recommended that the Commission review the policy for repurposing concrete/crushed concrete prior to approving its use adding that it is possible to remove the concrete. R. Gendreau also asked P. Reed to confirm that the stone swale will begin above the natural "crack" in the concrete swale.

P. Reed advised R. Gendreau that the swale will begin well above the "crack" and will include two check dams and one plunge pool. He also stated that he will provide her/Commission with some information on sites where concrete has been crushed and reused for their review prior to deciding to approve or disapprove its use.

Commission: S. Chidester asked when the project will start if they are requesting to wait until the land is frozen. P. Reed stated that it would be sooner if they use access the site between the two properties but more trees will need to be removed. S. Halterman asked what size stones were to be utilized in the stone swale. He was concerned that the plan detail would not allow for water infiltration.

Agent: R. Gendreau asked P. Reed if the work near Old Hamilton Road could be started while waiting for the ground to freeze at the other site. She also stated that since the long-term plan is several years off she would like to see something done in the meantime to keep sediment from washing down to the lake until the repairs are made. R. Gendreau reminded the speakers that the north side swale is also deteriorated and repaving is not the best plan and will continue to fail.

Public: R. Ricard of Cedar Lake Association asked what the MA DOT's plan is for the North side of the site. P. Reed advised Mr. Ricard that the north side swale will be repaired in the same manner as the south side swale with a stone swale. R. Ricard asked what the stone swale looks

like at the lake access point. P. Reed stated that he wants to bevel it into the bank of the lake so that there will be no drop, and it will be lower than the surface. R. Ricard stated that since MA DOT will need access to the area for the long term, not just the short term repairs, they will need to access the site as originally planned for the long term repairs, and they should use an access route that will serve both the sort and long term plans. He also noted that 126 Westwood Drive has a new owner and he would like to speak with them about the project prior to MA DOT reaching out to them.

Agent: R. Gendreau reiterated her desire to discuss starting the east side work while waiting to begin the south side work. W. Clougherty stated that he will speak with the contractor. She also advised W. Clougherty and P. Reed that a BSC representative/environmental scientist should be on-site during the work and that a work plan is needed prior to the start of work.

- **Hamilton Rod & Gun Club & Rampco Enforcement Order:**

Agent: R. Gendreau reported that she performed a recent site visit. She stated that the stormwater management plans are progressing. The catch basins are in but the pipes still need to be reviewed to see if they are installed correctly. She added that much open soil remains open and the large berm is still there and seeded but not stabilized. R. Gendreau presented pictures of the site from her visit. She noted that hydroseeding likely needed everywhere and added that swales are leading to the new basins and sediment is getting into the catch basin because the ground is not stabilized. She gave the contractor several suggestions for stabilization that she would like to see implemented. Commission: S. Chidester asked if the berm removal is part of the original plan and Notice of Intent. R. Gendreau advised him that removal of the berm is part of the original plan. As such it will need to be removed. R. Gendreau advised the Commission that when the berm is removed the large trees near it will also need to be removed. She also advised the Commission that the contractor stated that removal of the berm is not part of their work.

- **27 Ladd Road, Sellew, 508 International Enforcement Order:**

Agent: As directed at the last meeting R. Gendreau drafted certified letters to property owner A. Sellew, and tenant 508 International, advising them that they had one week to address the Enforcement Order requests. However, the day prior to issuing the letters 508 International submitted an RDA for 27 Ladd Road. R. Gendreau sought advice from town counsel on how to proceed. He advised her to include/add certain language in the letter and issue. She added his suggested language and issued the letter to 508 International and A. Sellew. The public hearing for 508 International's RDA will be on the October 1, 2019 meeting agenda.

New Business

- **Enforcement Order, Unpermitted Tree Removal, 158 Lake Road:**

Agent: R. Gendreau advised the Commission that she received a phone call regarding tree removal near the lake that they caller did not believe was permitted. R. Gendreau stated that the site was not permitted and she went to the site to view the work. Trees from the front, side, and rear of the house, and on the bank, were removed. She met with C. Hill (executor of the estate) who indicated that he thought the contractor had had gotten the permit. He added that some of the trees were deceased or declining. R. Gendreau asked him to send photos if possible. She asked for a log of the trees that were removed and advised them that since there is no canopy sediment controls may be needed. She informed him that all work is to stop and issued an Enforcement Order to the Owner and contractor, B & R Tree Service. Said Enforcement Order advised the Owner / Contractor that a Notice of Intent would need to be submitted.

Owner/Contractor: B&R Tree Service was present and detailed the trees that had been removed. He advised the Commission that the project started with a large 39" diameter oak tree with a cracked trunk that was in danger of falling on two homes. He said a crane became available and he seized the opportunity to cut the tree down and others he felt were decaying while the crane was on-site.

Commission: S. Chidester stated that he would like to visit the site. E. Gaspar stated that he would like a 3rd party arborist to inspect the trees/stumps to provide a report on whether or not the trees were dead or declining when cut down. S. Halterman added that if the trees were not dead the Commission would need to consider the distance of the trees to the water/50 foot mark.

Action: The Commission asked for a new site plan denoting the 50 foot line and the removed trees location in reference to that line. R. Gendreau will provide arborist proposal for applicant to review and hire as 3rd party arborist to provide report of health of trees that were removed to the Commission. After receipt of arborists report, the Commission will perform formal site visit to decide how they would like owner /contractor to proceed.

Consensus Vote: All in favor of ratifying the Enforcement Order for 158 Lake Road and the continuation of discussion to the October 1, 2019 meeting. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

- **DEP File #300-1021; 30 River Road, Pine Lake Campground Cease and Desist:**

Agent: R. Gendreau reminded the Commission that a Cease and Desist Order was issued. Since the original cease and desist was issued some additional concerns have been raised and observed. R. Gendreau presented a brief summary of events leading up to the issuance of the cease and desist. There was a violation on site last winter which led to issuance of an Enforcement Order, including work in a riverfront area and within jurisdictional buffer zone not shown on the original site plans. The alteration to those areas has resulted in degradation to riverfront area and supporting buffer zone. SCC was not notified of said violations until after the fact and as result of those violations an amended Orders of Conditions was issued this spring. The SCC and applicant worked out a restoration plan to mitigate for the additional impact to resource area and buffer zone that weren't anticipated. Some of the items included in the restoration plan were the development of a phased utility plan, a tree protection plan during work, etc. With the intent of the plan being to ensure some of the remaining vegetation, the unaltered buffer zone and resource was not impacted as the construction moved forward. The property owner was asked to sign and did sign a certificate of understanding that they had read and agreed to the conditions of the amended Orders of Conditions. The enforcement order was then released and work was allowed to continue under the amended permit. R. Gendreau stated that this is a large project on a large parcel of land, not all of the project is within the SCC's jurisdiction or in a protected area. R. Gendreau's review of a recent project monitoring report photos presented a red flag in the ridge area which had been an acute area of concern from the Commission from the projects inception. There were excavators there which she immediately red flagged and inquired about to the monitor reminding them that the Orders of Conditions require a tree plan and an environmental monitor for said work R. Gendreau reported that she was already scheduled to perform a site visit the next day with the arborist and planned on addressing the issue further at that time. However, the site visit was put off several times by Pine Lake, so by the time she did get out there and saw the work on the ridge, that utilities had already been installed in ground and covered with stump grinding had already occurred. She added that there were some additional areas of excavation where more exposed roots could be seen (the commission also saw during their subsequent site visit). Some of the impacts to the area caused by the work were not visible since much of the area had already been filled in. Looking at the trees now they appear healthy but the impact to the roots may have effects that will not be visible to years down the road. Likewise, for the impact to the adjacent buffer zone and resource areas as it will not be seen until the following spring or summer. The arborist on site also expressed concern for the future vitality of the remaining trees. R. Gendreau notified the Commission Chairman after the site visit and he advised her to issue the Cease and Desist and schedule a site visit with the Commission, which she did. Right after that on Sept. 3rd a resident from Farquhar Road who has a pond on his property that the stream from 30 River Road empties into. He has had concerns with silt entering his pond over the duration of the project. He stated that it was not bad at first but had been growing over time. He indicated that he had approached the property owner but felt it was time to seek guidance from the Conservation Commission. He presented some photos documenting some significant silting of his pond. R.

Gendreau made the project team aware of the issues raised by the resident and asked the wetland consultant to look at downstream impacts to see what was occurring there including his property and assess where the silt was originating from. At the time of review, the consultant reported that silt was not noted downstream in the pond. R. Gendreau stated that their review did not take place after a rain event when silt would travel down from the camp site. She subsequently made her own site visit after a rain event and noted much sandy gravel material downstream with rich dark mucky soil underneath indicating a newer material not the native material of the stream which she documented with photos. She noted that it appears that these areas have been impacted by the construction work from 30 River Road. She added that she returned to the site the next day with S. Halterman to confirm or reject her belief that the material was not native to the stream and S. Halterman confirmed her findings. R. Gendreau reported to the Commission that while passing the site on her way home yesterday she witnessed an extraordinarily large amount of rushing water coming from the site traveling downstream which could negatively affect land downstream and required inspection. She visited the site and notified Kim of her presence. She was advised that they had cleared some sticks blocking the dam on an upper pond that may have resulted in the unusual water flow. R. Gendreau stated that a large release of water should be communicated to the Conservation Department prior to initiating so that potential impact can be considered and planned for prior to the release. R. Gendreau ended her summary by stating that there is a lot of items for discussion but the Conservation Department and Commission would like to find a way to work with the property owner and find a way for him to move forward due to the time of year and concern for open areas during the winter but would also need to ensure that we are looking at and evaluation what kind of resource area impacts the project is having now or may have in the future. Some of those impacts include issues downstream and the effect on the vegetation and trees due to the alteration of more riverfront and buffer zone than was anticipated. The impact from that work may not be visible now but may occur in the future. Need to evaluate that and reach an agreement that will allow the project to move forward and provide insurance for any potential impact that may occur in the future due to the aforementioned work. She added that it is fall and the exposed areas need to be stabilized before the winter season. Finally, R. Gendreau stated that the project keeps changing and she wants the applicant's engineer or someone else to document the changes, and if there is work that is being done that is not following the approved plan then modified work will need to be proposed to the Conservation Commission and go through an approval process. Especially those areas that were not supposed to be paved or have an impervious surface that are feeding into stormwater management systems as those were developed based on the submitted plan and may not be able to handle the changes. She added that it is important because all stormwater management outlets lead to the resource area and we need to be sure the system functions appropriately.

P. Morrow, Owner: P. Morrow, property owner, replied to the Commission by advising them that he believed his team was trying to follow the approved plan religiously and stabilizing the areas as quickly as possible. He added that he believes most of the site is under heavy stabilization at this time. Regarding the rushing water witnessed yesterday he stated that his staff had cleared some aquatic vegetated root system from the pond that was backing up water and since the removal the pond had returned to normal.

Commission: S. Chidester informed P. Morrow that the Commission wants the project to move forward but without additional issues like those noted and not at the expense of the surrounding resource areas.

P. Morrow: Submitted a tree log for a specified area of the site as requested by the Commission for their review which he feels indicates that the remaining trees are healthy. He also stated that only a few sites were cleared before they stopped work. The plan is to level off the sites with fill. Several sites were done incorrectly that have since been addressed.

Agent: R. Gendreau stated that the tree log submitted details the current vitality of the remaining trees but does not address their future viability. She also stated that that was not what was conveyed by the arborist when they were on site so she does not necessarily agree with the tree log/report.

P. Morrow: Reiterated to the Commission that he believes they are following the plan, are notifying the Conservation Department/Commission when work will occur, and have the appropriate erosion controls and stabilization in place.

Commission: E. Gaspar clarified that the tree log pertained only to the 60 trees on the ridge and inquired if there were additional trees that were taken down. P. Morrow stated that there are further additional deceased trees on the site that they are not addressing. S. Chidester informed P. Morrow that the permit for tree removal could have been obtained at the time of year when you can discern if a tree being removed is actually deceased or alive. S. Halterman added that this project has been wrought with issues; including the water release yesterday that altered the land downstream. P. Morrow stated that his team clears debris from the pond every Monday as recommended by the consultant. Yesterday the water level in the pond looked higher than usual but today it is back to normal. S. Chidester advised him that moving forward he is to notify Conservation prior to any extraordinary amounts of water being released.

Public: N. Iozzo of Farquhar Road was present and provided confirmation that water/sediment from the RV Park is traveling down to his property and depositing in his pond.

Commission: D. Barnicle stated that the potential for future effect to resource areas due to the unpermitted work on the site needs to be addressed. He proposed a Memorandum of Understanding between Pine Lake RV Park and the Sturbridge Conservation Commission and presented a loose draft to P. Morrow. P. Morrow will review the proposed memorandum and reply to R. Gendreau with his comments tomorrow.

Action: On motion of D. Barnicle, seconded by E. Gaspar, the Commission voted to lift the Cease and Desist for DEP File #300-1021; 30 River Road, Pine Lake Campground on the condition that the Owner will review the presented Memorandum of Understanding (protection for future unforeseen effects) and respond tomorrow to R. Gendreau with comments for finalization and board approval of the MOU. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

- **Discussion regarding Administrative Review of Minor Projects:**

Agent: R. Gendreau asked the Commission for authorization to allow her to administratively review and approve minor projects such as tree removals, decks sheds, minor additions.

Action: Consensus Vote: All in favor of authorizing R. Gendreau to review and approve tree removal requests for all deceased trees; and for a 3 month trial period during which R. Gendreau will be authorized to approve requests for minor work (decks, sheds, minor additions etc.) in the outer buffer zone. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

- **Emergency Authorization, Rt. 84 Eastbound (Mile Marker 2) Diesel Fuel Spill:**

Agent: R. Gendreau provided a summary of the accident to the Commission. She indicated that when the accident occurred there was no standing water and the booms were immediately put in place, where they remain today. The Commission was advised that the clean-up is continuing. R. Gendreau stated that the Commission may want to discuss how to move forward adding that there is still some contamination and oil from the spill seems to have migrated to the wetlands and we may want to remove upland soil adjacent to the resource area.

- **Emergency Authorization, 53 Caron Road, home oil spill:**

Agent: R. Gendreau informed the Commission that clean-up is still in progress and is still in the recovery phase.

Request for Extension to Orders of Conditions

- DEP#300-958, 197 Leadmine Road, Town of Sturbridge: **Action:** Consensus vote: All in favor of approving the Request for Extension to Orders of Conditions for DEP #300-958 for three years. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).
- DEP File #300-964; 226 Roy Road: A temporary driveway was installed to be utilized during construction and was to be removed after construction was completed and the area restored. The

temporary driveway was not removed and no request to modify the existing site plan was submitted. While J. Roy had previously indicated that he would seek to amend his plan, R. Gendreau reported that today he submitted a letter stating it is his intent to remove the temporary driveway and restore the area to the condition it was in prior to the construction project. As such he is requesting an extension of this permit to enable him to fund the removal/restoration and the time to complete it. **Action: Consensus vote: All in favor of approving the Request for Extension to Orders of Conditions for DEP #300-964 for a 1-year extension to provide time/funds to remove the temporary driveway. Owner must come back to the SCC with a plan to restore/replant the area where the driveway is removed. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).**

Request for Certificate of Compliance

- **DEP #300-766; 70 Westwood Drive, L. Jalbert:** L. Jalbert is requesting a Certificate of Compliance for DEP #300-766. R. Gendreau advised the Commission that this project was never started and the Order of Conditions needs to be removed from the deed before a new Order of Conditions can be filed.
Action: Consensus vote: All in favor of approving the Certificate of Compliance as Invalid; project never occurred. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).
- **DEP #300-088; 218 Hemlock Path, S. Phipps:** S. Phipps is requesting a Certificate of Compliance for DEP #300-088. He presented a statement of substantial completion from the project engineer.
Action: Consensus vote: All in favor of approving the Certificate of Compliance as the project is substantially complete. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

Letter Permits

- Tree Removal Permit Application: 501 Leadmine Road, Miller, D. **Addressed during Walk-In**
- Tree Removal Permit Application: 266 Big Alum Road: **Consensus Vote: Commission approved the removal of 1 dead oak 130 ft from water. Vote: 4-yes, 0-no, 0-abstain, 1 absent (Goodwin).**
- Tree Removal Permit Application: 216 Hemlock Path: **Consensus Vote: Commission approved the removal of 8 trees, majority dead others in distress. Vote: 4-yes, 0-no, 0-abstain, 1 absent (Goodwin).**

Forest Cutting Plans

- Podunk Road, 176 Podunk; T. Buell, Owner: The Agent and the Commission were concerned with the removal of the trees over the wetlands. They discussed a potential alternate location for the landing area and tree removal route via the driveway.
Action: R. Gendreau will call forester to discuss alternate route for tree removal via the driveway.
- Podunk Road, 177 Podunk; G. Suprenant, Owner: **Consensus Vote: The Commission approved the revised forest cutting plan as presented tonight which includes the use of mats where crossing wetlands is necessary to protect them. Vote: 4-yes, 0-no, 0-abstain, 1 absent (Goodwin).**

Signatures

- Orders of Conditions; DEP File #300-1035; 70 Westwood Drive, Wages, J.: **Commission signed the Orders of Conditions per approval at August meeting. R. Gendreau was waiting for revised plans prior to issuing Orders of Conditions.**

Adjourn:

On motion of E. Gaspar, seconded by S. Halterman the Commission voted to adjourn at 10:00pm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).