

# **Sturbridge Conservation Commission**

## **Meeting Minutes**

**Tuesday, October 15, 2019**

**Approved November 19, 2019**

### **Present**

Ed Goodwin, Chairman

Steven Chidester, Vice-Chair

David Barnicle, Commissioner

Steve Halteman, Commissioner

Erik Gaspar, Commissioner

Rebecca Gendreau, Conservation Agent

### **Also Present**

See Attached Login Sheets

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

6:00 PM            Open Meeting – Quorum check

### **Committee Updates**

- CPA: No Report.
- Trails Committee: D. Barnicle reported that there is a planned workday this Saturday 8:00am to 12:00pm. The committee will be working to widen the single track trails. He also advised the Commission and public that new Trails handbooks are now available.
- Open Space Committee: No Report.
- Lakes Advisory Committee: No Report.

**On motion of D. Barnicle seconded by E. Gaspar, the Commission approved the minutes of the October 1, 2019 meeting. Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.**

### **Walk-ins**

M. Parker of 28 Breakneck Road appeared before the commission seeking permission to remove six (6) tall pines and one (1) deciduous tree. He stated that the Oak tree trunk is split and declining, and the pines are hazardous to his home. He also advised the Commission that the trees do not provide shade to the wetlands due to the way the sun rises and falls on his property.

Action: Consensus Vote: The Board approved the removal of seven trees as indicated above located at 28 Breakneck Road. Vote: 4-yes, 1-no (Chidester), 0-abstain, 0-absent.

**S. Chidester read the public hearing notice.**

### **Public Hearings**

**6:15    Amendment to Orders of Conditions; DEP File #300-771; 51 Technology Park Road;  
Seeking approval for modifications to site plans.**

Documents:    Revised Site Plans

John Grenier, Engineer, and P. Dileo, Property Owner, appeared before the Commission seeking minor amendments to an existing plan and Orders of Conditions. The amendments include: Increasing the driving isle in front of the parking area to 30' wide, shifting the location of the dumpsters, replacing the loading dock doors on the building to overhead doors, adjusting the slab elevation of the building by 18inches, and adding a one-way entrance from Picker Road for propane deliveries only. He stated that

Planning has reviewed the proposed changes and believe that this plan actually flows better and is easier for larger trucks. He also advised the Commission that McClure Engineering has performed soil testing and confirmed the soils. They also raised the berm of the catch basin by one foot to increase the volume of water it can handle. Other than that adjustment there are no other changes to the drainage plan and the limit of work has remains the same.

**Agent:** R. Gendreau reported that the project was originally reviewed and approved in 2008. That permit (DEP #300-0771) expired and a new application was submitted earlier this year and a permit issued (DEP #300-1029). This is a request to amend DEP #300-1029. She advised the Commission that the Planning Dept. is also reviewing the request for amendment, and a 3<sup>rd</sup> party engineer (McClure) is reviewing this for the Town. After an initial review by those parties additional information was requested which has not been received to date. As J. Grenier indicated all work is within the existing approved limit. She would just like confirmation from McClure that the stormwater management is sufficient for the proposed driveway entrance modification. R. Gendreau suggested a continuation until the 3<sup>rd</sup> party engineer report is received.

**Commission:** D. Barnicle inquired about the exact change to the catch basin. J. Grenier stated that the basin was moved over 3 feet and raised up one foot.

**Action: On motion of D. Barnicle, seconded by S. Halterman, the Commission closed the public hearing. Vote: 5-yes, 0-no, 0-abstain, 0-absent. On motion of D. Barnicle, seconded by E. Gaspar, the Commission voted to continue this request for amendment to the Novemebr 5, 2019 meeting at 6:15 pm. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

6:30 **Abbreviated Notice of Resource Area Delineation; DEP File #300-1037; Continued from September 17, 2019;** 650 & 680 Route 15, Seeking approval of delineated resource areas on the subject parcels. Landing Rock LLC; Represented by McClure Engineering, Inc.

Documents: New/Final Plan

P. Engle, of McClure Engineering appeared before the Commission on behalf of Landing Rock LLC seeking approval of delineated resource areas located on 650 and 680 Route 15.

**Agent:** R. Gendreau advised the Commission that final plans have been received. The plans have been revised to include intermittent stream banks and a clear delineation of portions of sheets requesting approval. R. Gendreau requested the addition of ‘cut lines’ to reflect the “limit of resource area delinieation” on the sheets.

**Action: On motion of S. Halterman, seconded by S. Chidester the Commission closed the public hearing. Vote: 5-yes, 0-no, 0-abstain, 0-absent. On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the ANRADas indicated this evening on the presented final plan dated October 2, 2019 Revision #2. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

6:45 **Notice of Intent; DEP #300-TBA; Continued from October 1, 2019;** 2 Ladd Road; Landscape Restoration; A. Rivers.

No DEP File Number has been issued to date so a public hearing could not be opened. The owner was present and provided a site plan and summary of the landscape restoration plan to the Commission. R. Gendreau advised the Commission that in addition to the proposed new planting by the property owner, she has visited the site and confirmed significant new sapling growth.

**Action:** The matter was continued to the November 5, 2019 meeting at 6:30 pm.

### Letter Permits

- 28 Breakneck Road – **Completed under Walk-Ins**

### Old Business

- **DEP File #300-1021; 30 River Road, Pine Lake Campground:** R. Gendreau reported that the pre-construction dam removal meeting was held, and the dam was actually removed today and it looks very good. She also provided the Commission with proposal from a 3<sup>rd</sup> party Arborist for

the Commissions review should the services be required for this project. Currently Conservation is awaiting guidance from legal counsel for proceedings with this matter. P. Morrow reminded the Commission that his arborist concluded many of the trees on his land were damaged by gypsy moths and other insects and that he is committed to replanting hundreds of trees on the property.

**Action: Continued to next meeting; waiting on guidance from town counsel.**

- **DEP File #300-0771, 36 & 38 Goodrich Road; F. Gunn, Owner:** R. Gendreau reported that this project was approved in 2007 on the condition that the decks be removed. In 2012 the project was automatically extended by the State but has since expired in 2016. In 2017 the owner requested a Certificate of Compliance but G. Colburn, Conservation Agent at that time, recommended against approval because the decks were not removed. The property owner attended a Conservation Meeting on December 5, 2018 where he indicated his desire to keep the decks. Subsequent meeting was affected by poor weather and the matter remains open at this time. A Certificate of Occupancy can not be issued for the structure until the Certificate of Compliance is issued. **Action: Continued to November 5, 2019 to provide the Commission time to perform a site visit.**

### New Business

- **DEP File #300-1014; 234 & 236 Haynes Road, 10 Mashapaug Road Sturbridge Realty LLC; Project Update and Project Revision Request:** C. Kaitbenski, Project Manager, was present and provided an update on the project. He advised the Commission that a drainage pipe was discovered under Mashapaug Road and two catch basins were identified on Mashapaug Road that were previously unknown as they were buried under dirt. Engineers onsite believe that these catch basins were tied directly into the stream. They would like to change that to a pipe flowing to rip rap and a small basin. This will enable the pipe to be moved away from the road and allow build up of the wall against the road. R. Gendreau feels this is an improvement as it was piped into the stream. **Action: On motion of D. Barnicle, seconded by S. Chidester, the Commission approved a change to the Orders of Conditions for DEP #300-1014 as indicated on the letter and plans submitted by A. Allen dated October 10, 2019 and discussed above. Vote: 5-yes, 0-no, 0-abstain, 0-absent.** C. Kaitbenski also advised the Commission that MaDOT identification of the headwall where the stream exits the property was off by 25 degrees. AS such they are now able to turn and move the headwall further from Route 15 enabling it to be less steep and cause less impact on the stream. R. Gendreau stated that she has no concerns regarding this change, believes it is a better plan. S. Chidester stated that there is a lot of exposed soil on-site and asked what their plan for stabilization is for the winter. C. Kaitbenski indicated that they are waiting for National Grid to move poles and once that is done they can come and stabilize the whole area. S. Halterman added that if work is being done at the exposed areas at least every 14 days they can continue to work without stabilization. **Action: On motion of D. Barnicle, seconded by S. Chidester, the Commission approved a change to the Orders of Conditions for DEP #300-1014 to relocate the head wall as indicated on plans presented tonight and discussed above. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
- **Birch Street Drainage Concerns:** R. Gendreau advised the Commission that a resident of Birch Street approached her with concerns about storm water flow coming from an adjacent home to hers and then carrying down to the lake. R. Gendreau informed the Commission that she feels the issue is the unpaved road adding that as each homeowner prevents water flow from accessing their property it flows to the next and when that home redirects the water it just flows to the next and so on. Commission: Consensus that this is a serious concern for the lake. The Commission considered sending a list of dirt roads that should be tarred to save the lakes to the Selectmen. **Action: R. Gendreau to draft a letter to be issued to residents on unpaved lake roads advising them of the concerns of stormwater on their properties and the lake and suggest paving the roads to address these concerns and improve storm water control.**
- **Restructuring of Commission FY20:** R. Gendreau conducted the Restructuring of the Conservation Commission for Fiscal Year 2020.  
Chairman: S. Chidester nominated E. Goodwin for Chairman. S. Halterman nominated S. Chidester for Chairman (S. Chidester declined the nomination). E. Gaspar nominated S. Halterman for Chairman. **Vote: All in favor of E. Goodwin for Chairman 3-yes (E. Goodwin, S.**

Chidester, D. Barnicle) and all in favor of S. Halterman for Chairman 2-yes (S. Halterman, E. Gaspar). By a vote of 3 to 2, **E. Goodwin was appointed as Chairman of the Conservation Commission for Fiscal Year 2020.**

Vice Chairman: D. Barnicle nominated S. Chidester for the position of Vice Chairman. There were no other nominations. **Vote: All in favor of S. Chidester for Vice Chairman 5-yes, 0-no, 0-abstain, 0-absent.**

**Committee Members: E. Gaspar, Sturbridge Lakes Advisory Committee; D. Barnicle Trails Committee; S. Halterman Forester Committee. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

- Recoding Bylaws and Regulations: The Commission reviewed and approved of the Town's proposal to recode the bylaws and regulations for the Town, Departments and Commissions.

#### **Request for Certificate of Compliance**

- **68 Westwood Drive; DEP File #300-446** – R. Gendreau reported that this is a request for Certificate of Compliance to close out the original permit when the house was constructed. The project is substantially complete and there are no ongoing conditions. She recommended approval. **Action: Consensus Vote: The Certificate of Compliance for DEP #300-446 for 68 Westwood Drive was approved by the Commission. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

#### **Signatures**

- **Orders of Conditions; DEP File #300-1045; 22 Breakneck Road; A. Shepherd – The Orders of Conditions were executed by the Commission as prepared.**
- **Orders of Conditions; DEP #300-1044; 90 Westwood Drive; S. Jones – The Orders of Conditions were executed by the Commission as prepared.**
- **Orders of Conditions; DEP #300-1047; 246 Holland Road (Lot 2); J. Harrity – The Orders of Conditions were executed by the Commission as prepared.**
- **Orders of Conditions; DEP #300-1046; 246 Holland Road (Lot 1); J. Harrity – The Orders of Conditions were executed by the Commission as prepared.**
- **Orders of Conditions; DEP #300-1042; 179 Main Street; 179 Main Street LLC – Final site plans were received and reviewed by the Commission as required by permit approval at previous meeting. The Orders of Conditions were executed by the Commission as prepared.**

#### **Agent Update:**

- **158 Lake:** Owner has chosen T. Chamberland as arborist to review trees removed/provide report to Commission.
- **MA DOT / Cedar Lake:** 126 Westwood owners are on board with MA Dot access the work site through their property.
- **HRGC/Rampco:** R. Gendreau will work on a summary of work that has been completed and what still needs to be done by Rampco.
- **31 South Shore Drive:** MA DEP site visit with interested appeal parties was held last week. Awaiting their findings.
- **27 Ladd Road:** Legal action will be pursued regarding the Enforcement Order.

#### **Commissioners**

S. Halterman introduced a discussion on fines in light of the many recent unpermitted tree removal incidents. Action: R. Gendreau will add wording to letter to Advantage Tree Services advising them that subsequent unpermitted work may be fined per regulations.

#### **Adjourn**

**On motion of S. Chidester, seconded by D. Barnicle the Commission adjourned at 8:33 pm.**

# STURBRIDGE CONSERVATION COMMISSION

## PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
10/15	JOAN GRENIER	J. M. GRENIER ASSOC		51 TECHNOLOGY PK RD
10/15	PAUL DILEO	DILEO GAS		51 Technology PK RD
10/15	MICHAEL PARKER	HOME OWNER		TREE REMOVAL
10/15	PETE ENGLE	McCUNE ENG		650 RT 15
10/15	ERIK RIVERS	2 CADD RD	NO	Tree Planting
10/15	Chase VanThusen	462 Leadmine	NO	Petrogas
10/15	Phil Moreau			Pine Lake