

Sturbridge Conservation Commission
Tuesday, November 19, 2019
Meeting Minutes
Approved: December 3, 2019

Present

Ed Goodwin, Chairman
Steven Chidester, Vice-Chair
Steve Halterman, Commissioner
Erik Gaspar, Commissioner
Rebecca Gendreau, Conservation Agent

Also Present

See Attached Login Sheets

Absent

David Barnicle, Commissioner

Chairman Goodwin called the meeting to order at 5:00 pm.

Quorum Check and Roll Call

Present: E. Goodwin, S. Chidester, S. Halterman, E. Gaspar
Absent: D. Barnicle

Executive Session

Upon consensus vote the Commission entered Closed Session to discuss strategy with respect to litigation pertaining to 27 Ladd Road, as an open meeting may have a detrimental effect on the Commission's litigation position. Chairman Goodwin advised the Public that the Commission will reconvene in Open Session. Vote: 3-yes, 0-no, 1-abstain (Chidester), 1-absent (Barnicle).

Commissioner S. Chidester recused himself from Closed Session due to a potential conflict of interest.

Open Session

On motion of S. Halterman, seconded by E. Gaspar, the Commission reconvened Open Session at 5:27 pm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

Enforcement, Fines and Ticketing: Discussion regarding the issuance of Enforcement Orders, assessing fines and issuing tickets, and the collection of fines was held. Conservation Commission was seeking guidance on a disparity between the Town bylaw and the Wetland Bylaw rate structures, timing for assessing fines, collection of outstanding fines. Town counsel advised that he will research this matter and provide direction afterwards. He did state that generally all items were governed by the Town statutes. Town Counsel added that tickets must be issued daily by certified mail, and may not be issued as a sum of a number of days.

R. Gendreau advised that Enforcement Orders have been issued in the past and present to the property owner and the contractor, however, the contractor has changed in between issuance. She inquired about who to issue the Enforcement Orders to in general should this occur in future or on future projects. Town Counsel advised that the Property Owner is ultimately responsible whether it is issued to him or a contractor.

On motion of E. Gaspar, seconded by S. Halterman, the Commission approved the October 15, 2019 meeting minutes. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

The approval of the November 5, 2019 Minutes was continued to the December 3, 2019 meeting.

Committee Updates

- CPA – No Meeting / No Report
- Trail Committee – No Report
- Open Space Committee – No Report
- Lakes Advisory Committee – New SLAC liaison E. Gaspar stated that there are no meetings scheduled until March 2020.

Walk-ins

No Walk In report.

Public Hearings

6:15 Request for Determination of Applicability; 50 Hall Road; Paul Watson, Environmental Regulatory Compliance Officer representing OFS Fitel, Owner.

Documents: Site Plan

Paul Watson representing OFS appeared before the Commission. The legal ad was not placed in time to open the public hearing, but, P. Watson provided overview of the proposed plan to perform repairs and maintenance to the existing stormwater system. Currently the drain is not working properly due to soil spilling down from the hill behind it. The drain and rip rap are filled with soil. OFS plans to remove the rip rap and replace with new in a 15ft diameter of the drain.

Commission: The Commission expressed their concern that vegetation has grown in the old rip rap swale near the stream and that when it is removed it may impact the jurisdictional area if extended too far.

Agent: R. Gendreau recommends approval of the plan. She can discuss how far to replace the rip rap with the contractor at the pre-construction site visit. She said she would advise the work be performed when water coming down the hill is limited. She will also recommend an Operation & Maintenance plan is developed.

Action: Public Hearing continued to / scheduled for December 3, 2019 at 6:15 pm.

6:30 Request for Determination of Applicability; 84A Paradise Lane; Joseph Mooney, Owner; Glenn Krevosky, EBT Environmental Consultants, Inc.; Pavement of an existing crushed stone driveway and associated work.

Document: Revised plan submitted today.

J. Mooney, Owner and G. Krevosky, EBT Environmental Consultants, appeared before the commission seeking approval for the pavement of an existing crushed stone driveway. Per discussion held at the site visit, G. Krevosky presented a revised site plan to the Commission. The plan details a rain garden to assist in water mitigation. He advised the Commission that the paved driveway will not increase run off water over that of the existing crushed stone. Proper erosion controls will be put in place and the work will be performed in the spring.

Commission: The commission inquired if the property is taking on road run off, and G. Krevosky advised that it is not.

Agent: R. Gendreau asked G. Krevosky to explain the swale to the Commission. He stated that the swale will be shallow with top soil removed by hand and it will be a grassy swale that leads to a rain garden to help slow and disperse water.

Agent: R. Gendreau informed the Commission that they requested a water management system at the site visit and a plan has been submitted. R. Gendreau feels the plan is sufficient for the property. It is a small project that meets the criteria for an RDA. She recommends standard general conditions for erosion controls be implemented prior to work starting.

Commission: E. Gaspar asked if the wood buffer at the end of the driveway will remain. Owner J. Mooney replied that it will be removed.

Public: B. Sanderson, abutter, voiced his concern that water flow to his site will increase with the proposed work. He would like to install a berm across his driveway to direct water flow to the opposite side of the street and then down the street to an existing swale. R. Gendreau advised him that this could be accomplished with a Wetland Bylaw Permit. The commission can review the site during their next site visits.

Action: On motion of S. Halterman, seconded by E. Gaspar, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absnet (Barnicle). On motion of S. Halterman, seconded by E. Gaspar, the Commission approved the request for permission to pave an existing crushed stone driveway as present on the revised plans submitted to day by EBT Environmental Consultants. The Determination of Applicability was issued with the following findings: +5, +2B and -3. Vote: 4-yes, 0-no, 0-abstain, 1-absnet (Barnicle).

Letter Permits

- **13 Old Hamilton Way – Tree Removal Application:** The Commission reviewed the Arborist's report. After a brief discussion the Commission approved the removal of 5 trees and the pruning of 2. Trees number 6 and 7 are to remain up until they can be reviewed in the spring, however dead wood can be removed in the interim. The Commission further stated that 4 trees will need to be replanted on the site and 2-3 shrubs are to be added. R. Gendreau will meet with the owner/contractor prior to the start of work to discuss replanting locations. Consensus Vote: 4-yes, 0-no, 0-anstain, 1-absent (Barnicle).
- **151 Walker Pond Road - Tree Removal Application:** The Commission approved the removal of one (1) dead oak tree approximately 140 feet from lake, and one (1) Birch leaning over the home. Consensus Vote: 4-yes, 0-no, 0-anstain, 1-absent (Barnicle).
- **53 Bennetts Road – Tree Removal Application:** The applicant asked to continue this request to January 2020.

Old Business

- **158 Lake Road Enforcement Order:** The Conservation Commission received the arborists report for review. The report includes the owner's proposal to restore site by planting several shrubs. The Commission was not satisfied with the report or proposed replanting plan, The Commission asked **R. Gendreau to advise the Owner/Contractor that they must submit a Notice of Intent with a plan to mitigate the damage caused by the tree clearing including a landscape restoration plan. The Commission is seeking a 2 for 1 ratio (2 replacement trees for every 1 tree removed) for tree replanting, and the location of the replanting to be in aggressive proximity to the trees removed. The Notice of Intent should be filed in a timely manner as to assure it is scheduled for a public hearing in January 2020.**
- **9 Holland Road Enforcement Order:** W. Cote appeared before the Commission. He presented the Commission with a letter advising that he is representing the owner.

Documents: Old Plan submitted as result of 2017 Enforcement Order; and New Plan detailing work still to be accomplished.

R. Gendreau briefly summarized the Enforcement Order issued to 9 Holland Road Owner and Contractor. W. Conley was overseeing the work but the Conservation only found that out after the Enforcement Order was issued. R. Gendreau reported that she met with W. Cote on-site to see completed work, and find out what the plans moving forward are for the property. She advised him that there is an existing Orders of Conditions for the property that resulted from an old enforcement order. She added that it appears some of the work had been done but the rest remains to be accomplished. W. Cote stated that the old contractor is no longer working on the site and he has taken over. He added that he met with the Building Dept. and Fire Dept. and submitted a plan for the work he would like to complete at the site. Commissioner S. Chidester expressed his concern about working on the bank even if it is to clean up. The Commission agreed and stated that no work is to be done on the bank. W. Cote advised the Commission that he was hoping to remove a large tree on the bank and the Commission advised him not to remove the tree. The Commission **reviewed the work W. Cote was requesting permission to perform. Consensus Vote: All in favor of lifting Cease & Desist order to allow W. Cody to perform following work: chip existing downed wood piles that are away from the bank only, remove the dead pine tree standing near Route 20, clean up Holland Road side by clearing already cut material and debris, clean up tall weeds located on Holland road side at far end of the property, add hay bales to the site as additional sediment control. R. Gendreau will meet with contractor at the site prior to start of work to clarify tall weeds clean up area. Owner/Contractor to come back to Commission with plan for planting restoration at the December 3rd meeting. 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

- **Cedar Lake MA DOT Enforcement Order:** R. Gendreau reported that work for the short term repairs are to begin tomorrow. Those repairs include work on the swale. MA DOT has indicated that they have permission from 126 Westwood to access site through their property. R. Gendreau informed the Commission that asphalt removal work was to be part of this short term work but thought it may be better to hold off on that work as it is hibernating season for wildlife.

New Business

- 2020 Conservation Commission Meeting Schedule: **The Commission approved proposed dates for 2020 Conservation Commission Meetings for January, March and April; but requested changing February to one (1) meeting date. The remaining calendar / schedule to be revisited at December 3, 2019 meeting. Consensus Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**
- Enforcement Action/Fines: Discussed upon return to Open Session.

Request for Certificate of Compliance

- DEP File #300-550; 34 Tannery Road: First requested at the November 5th meeting, however, R. Gendreau requested waiting for sign off from a licensed engineer. Applicant submitted Engineer Statement of Substantial Completion. R. Gendreau noted that there a few small differences from the submitted plan but the limit of work did not change. She added that there are a couple of ongoing conditions attached to the property: maintenance of the catch basin on-site and restriction of herbicides in that can lead to the wetlands. R. Gendreau advised the Commission that the catch basin maintenance requirement was placed on the property when the road was private but now that it is a public road that duty falls to the Town. She called DPW and confirmed this is accurate. **Consensus Vote: The Commission approved Certificate of Compliance for 34 Tannery Road; 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

Request for Minor Change to Orders of Conditions

- DEP File #300-1033; 11 McGilpin; Construction of Single Family Home with Town Water and Sewer; Randy Bercume, Property Owner: R. Gendreau advised the Commission that there is an existing Orders of Conditions for the property for a single family home with Town water and sewer hookup. New Owner submitted plan for a smaller home and relocation of driveway. She advised the Commission that the limit of work has not changed and the driveway relocation is an improvement as it is further from the wetlands. The Commission feels this does not qualify as a minor amendment.
Consensus Vote: The Commission denied the request for minor amendment and advised that the applicant will need to file a formal Amendment to the Orders of Conditions. Vote: 3-yes, 1-no, 0-abstain, 1-absent (Barnicle).

Agent Update

- **36 Goodrich, F. Gunn:** R. Gendreau visited site the day after the last Conservation meeting at request of F. Gunn. She did witness the water issue from abutter's catch basin as described by F. Gunn. Basin was not working properly. Both property owners will work to address water issues on their site. F. Gunn working with engineer to submit a plan to keep deck.
- **Invasive Species/Heins Farm:** Four hours of work was completed and they were able to get a large area treated. R. Gendreau recommends continuing with the additional/remaining 8 hours. Commission approved continuing the invasive species treatment.
- **2019 Winer Tree Hunt:** Organization for this year's tree hunt has begun. Opening day is November 29th.
- **30 River Road, Pine Lake RV Resort:** R. Gendreau sent summary letter of last meeting to Pine Lake. She provided dates for submitting report of assessment of downstream resource area impact; requested receipt prior to the December 3rd meeting.
- **HRGC/Rampco:** R. Gendreau visited site. She clarified that they do have permission to expand front catch basin. Sha advised that the site seems in a much better position for this winter than it did last winter. Rampco did commit to monitor the site over the winter.
- **Advantage Tree:** Since they were issued a letter regarding tree removal process in Sturbridge they have been contacting the Conservation Department prior to work.

On motion of S. Chidester, seconded by S. Halterman, the Commission adjourned the meeting at 8:13 pm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (1).

Nov 19, 2019

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
	Alex Weichert	WP Law, P.C.		
11/19/19	Paul Watson	OFS	No	Request for Determination for work in buffer zone
11/19/19	Newton + Bice Sanderson		Yes	Interested in the 6:30 meeting
	Wally & Julie			
11/19	Glenn E. Koverly	EBT/UC	No	MOOREY
11/19	Joe Mooney			Mooney