

Sturbridge Conservation Commission
Tuesday, December 3, 2019
Meeting Minutes
Approved January 7, 2020

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 6:00 pm.

6:00 PM Open Meeting – Quorum check; D. Barnicle absent

Committee Updates

CPA- E. Goodwin reported that yesterday's meeting was canceled due to weather and has been rescheduled for Dec. 9th

Trail Committee – No Report

Open Space Committee – No Report

Lakes Advisory Committee – E. Gaspar stated that the next SLAC meeting will not be held until March 2020

Approval of minutes

The Commission continued approval of the November 5, 2019 to December 17, 2019 as there was not a quorum of members which were present at that meeting to vote.

On motion of S. Halterman, seconded by S. Chidester the Commission approved the minutes of the November 19, 2019 Conservation Commission Meeting. Vote: 4-yes, 0-no, 0-abstain, 0-absent (Barnicle).

Walk-ins

Documents: Site Plan prepared by McClure Engineering submitted tonight

F. Gunn of 36 Goodrich appeared before the Commission seeking approval to keep decks on his property that were to be removed and/or reduced and plants restored as a condition of his permit approving the raze and rebuild of home on the lot.

Agent: R. Gendreau reminded the Commission that Mr. Gunn appeared at the November 5th meeting to discuss his property due to the certificate of occupancy being held until project sign off by the Conservation Commission. A site visit by the Commission revealed that the project was not completed per the site plan submitted. Specifically the upper deck and portions of the lower deck were to be removed and that area was to be restored with plantings. She added that

she also looked at the neighbor's property to address Mr. Gunn's concerns about the water run-off from that property to his. She noted that the neighbor's stormwater system was not working as designed due to the need for maintenance. She spoke with the neighbor and he is working to remedy that situation.

P. Engle, McClure Engineering, presented a new plan to the Commission for consideration. The plan presented maintains a portion of both decks/removes approximately 10 feet from each side and includes some plantings.

Commission: S. Chidester asked R. Gendreau to display the original approved site plan. HE pointed out that the entire upper deck and portions of the lower deck were to be removed and the area is to be restored with planting including trees and shrubs. He added that the plantings were to be installed to assist with water run-off to the lake. The Commission was also concerned with a possible required side set-back from the abutter's properties and the debris under the decks that can be traveling down to the lake.

P. Engle advised the Commission that they are here to try and get an idea of how Mr. Gunn can get his proposed plan approved and asked if he should file an NOI? They are seeking guidance on how to proceed.

Commission: E. Goodwin advised P. Engle and F. Gunn that the Commission is concerned with protecting the 25 foot buffer zone and suggested they come back to the Commission with a plan that addresses that and a plant restoration plan.

F. Gunn stated that he wishes to move forward with a plan that allows him to keep the decks and install minimal plantings. He added that the decks were in place when he purchased the property and as such feels he should be able to keep them.

Commission: The commission reminded Mr. Gunn that the removal of the decks was a trade-off for the approval of the razing of the existing structure and the relocation of the rebuild.

F. Gunn advised the Commission that he has no intention of removing the decks.

Action: On Motion of E. Gaspar, seconded by S. Chidester the Commission denied approval of the plan by McClure Engineering for 36 Goodrich Road as presented tonight.

Vote: 4-yes, 0-no, 0-abstain, 0-absent (Barnicle).

Public Hearings

6:15 Request for Determination of Applicability; 50 Hall Road; Maintenance and Repair of Existing Stormwater System; P. Watson, Environmental Regulatory Compliance Officer representing OFS Fitel, Owner.

Documents: Site Plans with detail

R. Gendreau reminded the Commission that the Owner's Representative presented the proposed plan for repairs and maintenance of an existing stormwater system at OFS at the last meeting. 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. Formal action could not be taken last meeting as the legal advertisement was not received. The ad has been received now and the Commission may take action of the request.

Action: Approved with conditions pre-construction meeting on site to specify the limit of work for riprap removal, ensure work done during non-water event weather, minimum maintenance requirements established, and recommend establishment of operation maintenance plan to ensure system does not fail.

6:30 Notice of Intent, DEP File #300-TBA; 198 Lake Road; Raze and Rebuild of Single Family Home; B. Smith, Owner; represented by Z. Gless, Existing Grade, Inc.

Action: Consensus Vote: All in favor of continuing this public hearing to the December 17th meeting at the request of the applicant. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

6:45 Amendment to Orders of Conditions, DEP File #300-1033, 11 McGilpin; Modification to footprint of Single Family Home and relocation of Driveway; R. Bercume of Countryside Builders, Owner.

Documents: Revised Site Plan / Original Approved Site Plan

R. Gendreau advised the Commission that the previous property owner (P. Iott) received a permit from the Commission for the construction of a single family house on 11 McGilpin with Town water and Sewer connection crossing through 6 Apple Hill Road. P. Iott still owns 6 Apple Hill and the water/sewer lines will still cross that property to 11 McGilpin. The new owner, Countryside Home Builders has submitted plan with a smaller home and relocated driveway. There is no change to the limit of work and the driveway and home are now further from the wetlands.

C. Bercume, Countryside Home Builders, was present and reviewed the new plan with the Commission. She informed the Commission that DPW has approved the new location of the driveway.

Commission: The Commission felt that the new plans was better for the site as the work is further from the wetlands. They did reiterate their requirement that the large tree at the front of the property remain. C. Bercume replied that the tree will remain. E. Goodwin asked R. Gendreau to check on the culvert under the driveway.

Public: P. Currier asked if the location foundation is correct, as she believed the hole dug for the foundation to be closer to the wetlands. R. Gendreau advised her that the hole needs to be larger than the actual foundation during construction but will be filled back in, adding that the limit of work has not been exceeded.

Action: On motion of S. Halterman, seconded by S. Chidester, the Commission approved the amendment to DEP #300-1033 for modification of home footprint/ garage location/driveway location as presented on the plan presented tonight. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

Letter Permits

- **86 Paradise Lane – Wetland Bylaw Permit Application:** R. Gendreau reminded the Commission that the owner of 86 Paradise Lane appeared at the last meeting as an abutter to the 84A Paradise Lane public hearing. He had expressed his concern water flow to his site will increase with the proposed work. He stated that 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 and suggested he submit an application so the Commission can review the site during their next site visits and take action at the next meeting. He has done so, and is seeking approval tonight. R. Gendreau reported that she has no concerns. E. Goodwin asked R. Gendreau to notify DPW of the berm to avoid damage during plowing. **Action: Consensus Vote: All In favor of approving the request for the construction of a berm across the driveway at 86 Paradise Lane with the condition that property owner maintain the berm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**
- **92 South Shore Drive – Tree Removal Permit:** A site visit by the Agent confirmed the tree is dead. Agent will approve administratively and issue a letter permit.

- **94 South Shore Drive – Tree Removal Permit:** A site visit by the Agent confirmed the tree is dead. Agent will approve administratively and issue a letter permit.

New Business

- **MA DEP Proposed Regulation Revisions:** Commissioners received a copy of DEP proposed regulation revisions which are mostly procedural for their review. The proposed revisions include 1) Require organizations to use e-file for Orders of Conditions and RDA to ensure received in timely manner; 2) Clarification regarding abutter notification; who has right to appeal Orders of Conditions; 3) update Wetland Plant List.

Old Business

- **DEP File #300-0771, 36 & 38 Goodrich Road; Gunn:** Completed under Walk-ins; please refer to Walk-ins.
- **9 Holland Rd, DEP #300-959; Enforcement Order:** R. Gendreau advised the Commission that she issued the Owner/Contractor a summary letter after last meeting and advised them the Conservation Commission is to receive plans for plant restoration and stormwater maintenance by this meeting. Contractor called today to advise her they are working on plans but will not be at meeting tonight. Commission asked Agent to advise the owner and contractor that if the plans are not received by the Dec. 17th Conservation meeting the implementation of fines will begin December 18th. R. Gendreau also advised the Commission that National Heritage also issued the owner a letter advising him that he has until Dec. 30th to provide them with information of how he plans to bring the property/project back under the correct Orders of Conditions. Agent also informed the Commission that the abutter that had trees removed illegally by 9 Holland Road contractor has been copied on the letter to the Owner/Contractor and she will discuss matter with Town Counsel this week. The Commission stated that they want an Order of Conditions for the restoration of that abutting property as well.
- **13 Old Hamilton Way – SCC#19-73:** R. Gendreau reminded the Commission that they approved a tree removal plan at last meeting with exception of 2 trees that they want to revisit in the spring. Owner is requesting the Commission to take a second look at one tree as he would like to remove it now instead of just pruning dead wood and waiting for second review in spring. The Commission reviewed additional pictures of the tree and considered the request again but maintained their position that the tree remain standing until spring when it can be reviewed again and a decision regarding removal be made at that time. **Action: Consensus Vote: All In favor of maintaining decision to deny tree removal of two trees detailed in the permit / revisit site and reconsider removal next spring. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

Request for Certificate of Compliance

- **DEP File #300-887; 84A Paradise Lane:** Owner is requesting to close out an older permit and has submitted a request for Certificate of Compliance for DEP #300-887. R. Gendreau reported that a site visit denoted several changes from approved plan including plantings that were required but had not yet been established. She recommended waiting until spring to see if the planting plan is accomplished and if it is stabilized before deciding to approve the Certificate of Compliance. **Action: Consensus Vote: All In favor of denying request for Certificate of Compliance until verification that the planting plan is accomplished and stabilized. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

Signatures

- The Commission signed the Amended Orders of Conditions for DEP File #300-1033; 11 McGilpin, as approved earlier in the meeting.

Agent Update

- **2020 Meeting Schedule:** The Commission reviewed the revised proposed meeting date for February 2020. The proposed date February 13th is not agreeable for all and a new date February 4 will be proposed at the next meeting.
- **30 South Shore Drive (Allard) Order of Conditions / Appeal by Abutter:** R. Gendreau reported that DEP issued a superseding Orders of Conditions for this project.
- **Grand Trunk Trail:** R. Gendreau advised the Commission that the portion of the trail which crosses Farquhar Road properties that has been on hold for some time is now ramping up again. 75 Farquhar Road is Conservation Land and the trail will cross that property. The current delineation for 75 Farquhar Road is 15 years old. R. Gendreau reported that she is seeking proposals to obtain a new delineation and that work will be done in the spring. After that is accomplished the project will move forward. She will seek to have that contractor also delineate the property boundaries for that lot as well.
- **Heins Farm Invasive Species Project:** The Commission was informed that the treatment of the invasive species was done and marked for later review. There is about \$900 remaining in the WHIP Grant Fund. Agent suggests using the money to have the arborist monitor that treatment and provide report as record of treatments success. Money remaining after that could be used for spray treatment of smaller invasive plants. The Commission agreed to the spending on the monitoring and report. They will consider spray treatment of other smaller invasive plants with any remaining money in the spring.

Adjourn:

- **On motion of S. Chidester, seconded by S. Halterman, the Commission adjourned at 7:19pm. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

12/3/19

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
12/3	F. Gunn	36 Goodrich		36 Goodrich
12/3	P. Engle	McClure		36 Goodrich
12/3	T. Carrier	13 Mc Gilpin		11 Mc Gilpin
11/3	P. Currier	"		"
12/3	Deborah Forend	25 Mc Gilpin		"
12/3	Colleen Berenue	12 Horn Lane		" Mc Gilpin