

Sturbridge Conservation Commission

Tuesday, November 5, 2019

Meeting Minutes

Approved January 21, 2020

Present

Ed Goodwin, Chairman

Steven Chidester, Vice-Chair

David Barnicle, Commissioner

Rebecca Gendreau, Conservation Agent

Also Present

See Attached Login Sheets

Absent

Steve Halterman, Commissioner

Erik Gaspar, Commissioner

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

6:00 PM Open Meeting – Quorum check

Committee Updates

- **CPA:** Meeting held last night but they did not have a quorum; no additional report.
- **Trail Committee:** D. Barnicle advised that there will be a meeting Thursday next week. He added that recent storms caused the need for paths to be cleared of debris and a number of downed trees needing removal. So far all of Heins trails have been cleared and are open, and most of Leadmine are open.
- **Open Space Committee:** No Report.
- **Lakes Advisory Committee:** Commissioner Erik Gaspar will be the liaison for the Conservation Commission. No other report.

Approval of minutes October 15, 2019

D. Barnicle requested that approval of the minutes be tabled to the next meeting to allow absent Commissioners to comment prior to approval.

Walk-ins

- J. Kowalski appeared before the commission representing 13 Old Hamilton Way regarding a tree removal. He submitted his arborist's report for the property and stated he will be available to meet the Conservation Commission at the property for a follow-up site visit next week.
- J. Kowalski also submitted a proposal to perform Invasive Species Management at the Heins Farm property. The proposal calls for the treatment of the perimeter of the further fields. A two-man team will perform the treatment at a cost of \$240 per hour. R. Gendreau advised the Commission that three fields had been treated in 2017 and she reached out to J. Kowalski to treat these additional fields. Monies remaining from the WHIP grant will be used to fund the project. There is enough money to fund 12 hours of work. The Commission asked J. Kowalski to perform 4 hours of work and report back to R. Gendreau with the progress before proceeding further. J. Kowalski will start the project next week.

Public Hearings

6:15 **Amendment to Orders of Conditions; DEP File #300-1029; Continued from October 15, 2019;** 51 Technology Park Road; Seeking approval for modifications to site plans; P. Dileo, Owner; represented by J. Grenier, JM Grenier Associates Inc.

Documents: Revised Site Plans

J. Grenier, JM Grenier Associates, appeared before the Commission on behalf on P. Dileo, Owner, seeking approval for modifications to an existing approved site plan. AS discussed at the last meeting the applicant is proposing the following modifications: Increasing drive-isle in front of parking to 30' wide, shifting dumpster location, replacing loading dock doors with overhead doors, adjust slab elevation of building by 18", and adding a one way entrance on Picker Road for propane deliveries only. A complete report by a third party reviewer of the of the updated/revised storm water plan has also been included. The revised project was approved by the Planning Board at their most recent meeting.

Agent: R. Gendreau reiterated that the third party storm water review has been completed and the revised plans have been submitted addressing the issues raised by the Commission. R. Gendreau stated that she has no remaining concerns and added that the revised storm water management plan appears to be an improvement over the original plan.

Action: On motion of D. Barnicle, seconded by S. Chidester the Commission closed the public hearing. **Vote:** 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar). On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the modified site plans and resulting Amendment to Orders of Conditions for DEP File #300-1029 as presented here today and referenced in the amendment. **Vote:** 3-yes, 0-no, 0-abstain, 2-abseny (Halterman, Gaspar).

6:30 **Notice of Intent; DEP #300-1049; Continued from October 15, 2019;** 2 Ladd Road; Landscape Restoration; A. Rivers

Agent: R. Gendreau advised the Commission that the applicant would not be in attendance this evening as the project was discussed in detail at the last meeting and we were merely waiting for the DEP File Number to be assigned for the public hearing. That number has since been assigned and the owner is seeking approval for the plan submitted at the October 15th meeting. R. Gendreau also informed the Commission that the owners had performed most of the debris clean up/slash removal required by the Commission.

Action: On motion of D. Barnicle, seconded by S. Chidester the Commission closed the public hearing. **Vote:** 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar). On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the landscape restoration plan for DEP File #300-1049 for 2 Ladd Road as presented. **Vote:** 3-yes, 0-no, 0-abstain, 2-abseny (Halterman, Gaspar).

Letter Permits

- **13 Old Hamilton Way- Tree Removal Application:** This item was discussed during Walk-Ins.
- **256 Big Alum Road–Tree Removal Application:** The owner originally request the removal of 5 trees. The arborists report revised that to the removal of four trees and the treatment of the 5th (Ash) tree. **Action: Consensus Vote: The Commission approved the removal of 4 trees and the treatment of the 5th (Ash) tree. 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar).**
- **8 Stoney Brook Drive – Tree Removal Application:** Per the arborists report this request is for the removal of one dead Hemlock tree. The tree is leaning toward the house and exposed roots were visible at the site visit. **Action: Consensus Vote: The Commission approved the removal of one dead Hemlock tree. 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar).**

New Business

- **Invasive Species Management – Heins Farm:** This item was discussed during Walk Ins.

- **Request for Support for Amendment Request to The Riverlands' Conservation Restriction:** The Conservation Restriction limits the number of parking spaces on each side of the road; 10 on Holland and 20 plus 2 horse trailers on Stallion Hill. The Trails Committee would like to add parking spaces to the Stallion Hill area. To accomplish this they would like to reduce the number of spaces on the Holland side and increase the number on the Stallion Hill side and are requesting support for this amendment to the Riverlands' Conservation Restriction from the Conservation Commission. Commission discussed the effect removing parking from Holland Road side would have should the proposed footbridge be constructed. The Commission felt further development in the area would result in the need for parking on the Holland Road side and was not in favor of supporting this amendment. D. Barnicle suggested we refer the question of Holland Rd parking to Bd of Selectmen with our comments. They have care, custody and control of Riverlands.
- **Request for Support for Grant Assistance for Municipality Vulnerability Program:** The Commission received a copy of the proposed support letter for review. R. Gendreau advised the Commissioners that the Town is pursuing assistance from the Executive Office of Energy and Environmental Affairs via its Municipal Vulnerability Preparedness program as it prepares building resiliency in the face of climate change. The Town is seeking the Conservation Commission's support as they pursue grant funding from EOEEA that will ensure Sturbridge is well positioned to grow and adapt with changing climates. **Action: Consensus Vote: The Commission was in favor of Supporting the Grant Assistance for Municipality Vulnerability Program. 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar).**
- **DEP File #300-959; 9 Holland Road Enforcement Order:** R. Gendreau reported that an Enforcement Order had previously been issued for the site and a resulting Order of Conditions issued in 2017. No work had been done since that date. The Conservation Department received notice that tree cutting/clearing work was being performed on the site. R. Gendreau performed a site visit which revealed unpermitted work had occurred. An Enforcement Order was issued, a representative was requested to attend tonight's meeting and a plan for the site/work is to be submitted to the Conservation Department by next week.
Richard Conley appeared before the Commission as a representative for the property owner. He was hired by the property owner to secure and clean up the property. Mr. Conley subsequently hired C. Curboy to clean up debris at the site. The property owner did not feel enough work was being accomplished so he then hired a landscape company to do additional work. This landscape company cut "hazardous" trees on one side of the property, and along the fire road, as well as trees on ab abutting property.
Commission: There was a general consensus that it appeared the owner was performing "vista" cutting on the lot.
Agent: R. Gendreau advised the Commission that she issued an Enforcement Order for the property to the property owner and landscape company and advised them to cease all work; R. Conley was copied on this correspondence. She added that much of the clean-up work performed would have been covered by the permit, but none of the tree removal was covered. The entire property is within the Conservation Commission's jurisdiction as it is within the 200 foot buffer zone of the riverfront.
Commission: S. Chidester asked if the abutter has been informed that trees were removed from their property, and he was advised that the abutter is aware.

Old Business

- **DEP File #300-0771, 36 & 38 Goodrich Road; Gunn:** R. Gendreau provided a summary of the originally permitted project to the Commission. The project had original site plans and amended site plan. Per the existing Orders of Conditions the decks on the property near the lake were to be removed and a landscape restoration plan installed. The amended site plan was only to address a change for the retaining wall; the remaining conditions were still to be met. To date the decks have not been removed and the landscape restoration has not commenced. She advised the Commission that the project as it exists is not consistent with permitted plan and as such a Certificate of Compliance cannot be issued for the property and the town will not issue a certificate of occupancy. R. Gendreau requested Mr. Gunn attend tonight's meeting to discuss the project and his intent.

F. Gunn appeared before the Commission advising them of his intent to keep the home/property the way it exists at this time. He does not wish to remove the decks and install plantings.

Agent: R. Gendreau advised him that his project is not consistent with his submitted plans.

Commission: E. Goodwin advised Mr. Gunn that he will need to submit a plan detailing what is on the ground now (as built today) for the Commission to review before any consideration of approval can occur. They further advised him that during their recent site visit they witnessed a lot of erosion from under the deck migrating into the lake. He was advised that he needs to find a way to hold the soil in place and was informed that the planting plan from the original site plan would have helped do so.

F. Gunn expressed his belief that the water issues on his property were due to work done on a neighboring property.

Commission: He was advised that he is responsible for water traveling from his property to the lake. The Commission advised him to obtain an engineer that can provide him with an as-built plan for the site, assist him with addressing the stormwater/erosion issues, and come back to the Commission with the plan for their review.

- **Hamilton Rod & Gun Club & Rampco Enforcement Order:** R. Gendreau informed the Commission that she issued Rampco and HRGC a letter and requested they attend tonight's meeting to discuss moving forward.

J. Germano appeared representing Rampco. He advised the Commission that they are still waiting for Bertin Engineering reports confirming revised, executed stormwater system performs up to standards of original plan. K. Souce, HRGC, indicated that the front basin/retention pond capacity is still a concern. J. Germano indicated that if the capacity continues to be of concern, Rampco will enlarge the basin.

Agent: R. Gendreau stated that she felt enlarging the basin near the entrance would be helpful, but reminded Rampco that she will need the written report from Bertin verifying that the constructed stormwater system is sufficient and will work in order for the enforcement order to be closed out. Rampco stated that they have moved the large loam pile and hydroseeded it. R. Gendreau advised him that additional stabilization may be needed for the winter and suggested adding a silt fence and/or blanket.

J. Taft, HRGC, expressed his concern that the front basin be enlarged prior to the spring rains begin so that it is not too late and asked if he could enlarge the basin now. The Commission advised J. Taft that he could enlarge the basin but advised him not to enlarge it towards the water. He agreed and stated that he would enlarge it towards the drive-isle or pavilion, and will submit a sketch.

- **Cedar Lake MA DOT Enforcement Order:** R. Gendreau reported that MA DOT will not be in attendance this evening but they did submit a revised plan. The revised plan details a rock swale to replace a paved swale on the North side. R. Gendreau, R. Ricard, and the Commissioners expressed they were comfortable with this revision. R. Ricard, Cedar Lake Association, was in attendance and advised the Commission that there is a meeting planned with MA DOT on December 13th. The Cedar Lake Association will attend the meeting and asked the agent and members of the Conservation Commission, and the Town Administrator to attend. R. Ricard also stated that the town is still waiting for MA DOT's long term plans to address failed/failing stormwater pipes around Cedar Lake. He added that communication from MA DOT comes slowly, usually at the last minute, and only when prompted. R. Ricard indicated that he is happy to see the short term work begin but reminded the Commission that the long-term plan is due November 21st.

Agent: R. Gendreau reported that MA DOT's contractor has begun the short-term work. Tree cutting within swale work area started yesterday. MA DOT will wait until ground is more frozen to proceed with subsequent work stages. Revised site plan received, however no details on how the work will proceed and resource areas will be protected have been provided. R. Gendreau also reported to the Commission that she and R. Ricard met with the new owner of the property MA DOT will use to access the work site. They gave approval but expressed their concern about replanting of trees once the work is completed and repair of their lawn, etc. R. Gendreau added that another homeowner will need to be notified when repair work begins on the other side as MA DOT will cross their property to access that work site.

- **158 Lake Road Enforcement Order:** R. Gendreau reported that she has received the report from the arborist. She will add this location to the site visit list for next Tuesday so the Commissioners can review the arborist's report on site before proceeding.
- **DEP File #300-1021; 30 River Road, Pine Lake Campground:** S. Morrison, EcoTech, appeared before the Commission to update the Commission on recent work that has been accomplished and any changes. He advised the Commission that they are looking to install a couple temporary catch basins during construction to handle stormwater. They also replaced a pipe from the stormwater system that ground water was getting into allowing silt to travel downstream. HE reported that since the dam was removed at the duck pond they have hydroseeded the back slope and installed a silt fence near the duck pond.

Agent: R. Gendreau informed the Commission that she passed the site during a recent rain storm and witnessed some issues flowing from the site and getting to an abutters property and his pond was full of suspended silt. She subsequently performed a site visit at Pine Lake and witnessed silt entering the stream for a stormwater discharge which should not be occurring since the catch basins all have silt sacks and other protections installed. She added that stormwater was also coming in from the access road over the bridge at the duck pond. Pine Lake immediately began to implement additional measures to prevent the silting, however, R. Gendreau believes that professional oversight and advice is needed. She asked Pine Lake to have a wetland scientist will evaluate impacts to down stream resource areas from this project (silt and sedimentation in wetlands) and provide a report to the Conservation Commission. R. Gendreau stated that there is a lot of ground exposed on site which is likely a contributing factor to the issues being experienced down stream. The addition of two temporary catch basins during the construction may prove helpful and could be left in place and see if still needed after construction is completed. She also reminded Pine Lake that any changes to or that affect the stormwater design need to have an engineer review and confirm that the plan for stormwater will work.

Commission: D. Barnicle stated that per the recommendation from Town Counsel the Memorandum of Understanding will not be utilized to address the tree removal / future impact on remaining trees issues still outstanding at the site. After discussion between the parties, an agreement was reached which calls for Pine Lake to replace any future trees that die for any reason other than by tornado, hurricane or lightening. In addition, Pine Lake will need to come to the Conservation Commission to remove any additional trees and/or cut down any downed trees.

Request for Certificate of Compliance

- **DEP File #300-550; 34 Tannery Road:** R. Gendreau advised the Commission that this is part of the Allen Homestead project, but this lot had its own added Orders of Conditions. Since this project had an engineer design the plans she has request the applicant obtain a statement for a licensed engineer confirming that the plan was completed as approved. **Action: This item is continued to November 19, 2019 meeting to allow time for the applicant to obtain requested engineer statement.**
- **DEP File #300-899; 53 Beach Avenue:** This applicant is part of the road paving area around Cedar Lake. Each individual homeowner must request their own Certificate of Compliance. R. Gendreau stated that this project has been completed and the application for the Certificate of Compliance may be approved. **Action: Consensus Vote: All in favor of approval of issuing the Certificate of Compliance for 53 Beach Ave, DEP File #300-899; 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar).**

Agent Update

- **27 Ladd Road; 508 International LLC, R. Jennings; Property Owner, A. Sellw:** R. Gendreau reported that she attended court last week regarding the Enforcement Order issued to 508 International LLC. The Judge continued the case to January 7, 2020. Judge issued a cease and desist order to the defendants, and advised the defendants to allow Sturbridge Conservation Commission access to property given 24 hours notice. R. Gendreau will visit the site this week to document work in jurisdictional areas. Town Counsel would like to meet with Con Com during

executive session prior to Nov 19th meeting to discuss options and see how they would like to proceed at the Jan hearing.

- **Hobbs Brook/ Retaining wall failure:** The property owner is still waiting for the final borings report. Contractor provided owner with 4 options to fix issues. The owner will decide which option to use to address issues after receiving the final borings report. R. Gendreau advised them that they will need to file an NOI to perform the repairs.
- **Forest Cutting Plan / Fiske Hill Road:** DCR issued a stop work order at the Spencer Solar site on Fiske Hill Road. There are erosion issues at the site and they will meet with DCR and MassDEP to develop plan to address erosion issues and as well as a restoration plan.

Adjourn

On motion of S. Chidester, seconded by D. Barnicle the Commission adjourned at 8:59 pm. Vote: 3-yes, 0-no, 0-abstain, 2-absent (Halterman, Gaspar).

Nov 5, 2019

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
11/05	Joe Kowalski	Ganesh Tree		General Info
11/5	JOHN GRENIER	JM GRENIER ASSOC		51 TECH PK RD
11/11	F. G. GUNN	36 Goodrich Rd	no	OLD DECK
11-5	Richard Conley	9 Halkut Rd.		getting info
11/5	Raoul Ricard	53 Beach Ave		Ma Dot Project
11/5	DON TAFT			HREG
11/5	Kevin Soucie	24 Hamilton Rd.		Hamilton
11/5	Cliff Corboy	2 Cedar Lake Pt		General Info
11/5	P. M.	Pine Lake RV		30 River Rd.
11/5	Scott Morrison	Ecotec, Inc		30 Pine

Nov 5th

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
11/5	JOHN KRAVINS	Pioppo	NO	SUPPORT
11/5	JOSH GERMANO	RAMPLO	NO	HAMILTON R/G
11-5	Jim Piopp	Pioppco	NO	Support