

Sturbridge Conservation Commission

Tuesday, January 7, 2020

Meeting Minutes

Approved January 21, 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

Committee Updates:

- CPA – E. Goodwin reported that the most recent CPA meeting was held December 9th. He advised the Commission that one item discussed was the allocation of funds for storm windows for town buildings.
- Trail Committee – No Report
- Open Space Committee – No Report
- Lakes Advisory Committee – E. Gaspar reported that there is no SLAC meeting until March 2020.

Approval of minutes:

November 5, 2019 – Approval of November 5, 2019 minutes was continued to wait for quorum to approve.

December 3, 2019 – On motion of E. Gaspar, seconded by S. Halterman, the Commission approved the minutes of the December 3, 2019 Conservation Commission meeting. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

Winter Tree Scavenger Hunt Drawing: The grand prize winner of the 2019 Winter Tree Scavenger Hunt was drawn from pool of participants. The Grand Prize Winner is Paige Walker. Paige will receive binoculars and choice of bird house. Runners up will receive a 1-year subscription to Ranger Rick Magazine. Winners will be posted on the Conservation Commission webpage.

Walk-ins: MA DOT / Cedar Lake Enforcement Order listed under Old Business was held during walk-ins.

Documents: Long Term Plan Site-Plan

B. Clougherty from MA DOT, and K. Eagan and P. Reed of BSC Group appeared before the Commission to present the long-term plans for the I-90 / Cedar Lake area. B. Clougherty reported that representatives from MA DOT, Cedar Lake, and the Conservation Commission met in December to discuss MA DOT's proposed long term plans. He advised the Commission that

based on feedback from that meeting some revisions to the long term plan presented at that meeting have been incorporated into the plan they are presenting tonight to the Commission for approval. MA DOT is committing to extending the stone protection in the swale that outlets near the northeast corner of Cedar Lake. The existing asphalt swale will be removed. P. Reed stated that MA DOT was requested to investigate the existing drain lines on the north side of the highway to determine if any of them are asphalt coated corrugated metal and if so to replace them with high density polyethylene pipe as is proposed on the south side. A review of records indicated that only one drain line that outlets on the north side outlets within the limits of Cedar Lake and it is a corrugated polyethylene pipe. The Commission was advised that work to repair damaged sections of paved waterways will be completed by placement of stone as shown on construction detail and within limits defined on the plans. He added that work will be performed by as minimally invasive means as possible. Lastly, he stated that MA DOT plans to coordinate the repairs to coincide with the repaving project for I-90 scheduled for this year and further changes to the proposed plan could jeopardize that objective.

Commission: E. Goodwin inquired if MA DOT / BSC Group had taken a look at the ponds, sediment collecting in them? He stated that a delta had developed that he feels should be addressed. P. Reed advised the Commission that any work within the pond is under the jurisdiction of the Corp of Cadets and a permit would be required. If this item was added to the plan, said permit may delay the project and funding for this year. All agreed to look into the timing for such a permit but to proceed with plan presented this evening for approval. B. Clougherty asked if the completion of this plan if approved would satisfy the enforcement order and the Commission advised him that it would. The Lake Advisory Committee requested being notified when the project is complete adding they would like to be included on the final walk-thru. **Action: On motion of S. Halterman, seconded by S. Chidester, the Commission approved the long-term plan as described and presented by MA DOT / BSC Group at tonight's meeting. Vote: 4-yes, 0-no, 0-abstain, 1-abent (Barnicle).**

Rt. 20 / MA DOT

R. Gendreau asked B. Clougherty to provide an update on Rt. 20 / Quinebaug River. MA DOT advised that they have removed some product in the catch basin on Rt. 20 in the 9 Holland Road area, adding that a contractor will be coming out to remove the remaining materials shortly. They may seek an easement on the property in order to study the network of drainage in the area. MA DOT is aware that said drainage issues are having an effect on two neighboring properties. G. Krevosky representing one of those properties, 9 Holland Road, stated he has sent details of drainage pipes coming from the road to the property to MA DOT. He presented some photos of the drainage pipes. He also stated that the owner would be open to granting an easement to MA DOT. All parties indicated that they will continue to work on issues at this property.

S. Chidester read the public hearing notice.

Public Hearings

6:15 4 Mt. Dan; Request for Determination of Applicability; Rebuild portion of Existing Structure; IHT LLC, Contractor; B. Cheney, Owner

Documents: Site Plan; photos

J. Bonja of IHT LLC appeared before the Commission on behalf of the owner, seeking approval for a proposed rebuild of a portion of an existing structure. He advised the Commission that the rebuild will be in same footprint as the existing structure and will be placed on pilings with minimal disturbance.

Agent: R. Gendreau reported no concerns with proposed project adding that it meets the standards for an RDA. She added that the request meets our standards for a request for

determination of applicability and recommended approval with standard conditions plus extra sediment control conditions for the winter season.

Commission: S. Chidester inquired if any trees will be removed and he was informed that no trees will be removed. The Commission also expressed concern with the project's proximity to the abutter. Abutter was present expressed they did not anticipate any concerns with the project moving forward and stated that they have communicated with and will continue to communication with the contractor privately.

Action: On motion of S. Halterman, seconded by E. Gaspar, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle). On motion of S. Halterman, seconded by E. Gaspar, the Commission approved the request for permit for the project as described this evening and as presented on the plans reviewed tonight with the following determinations: +5, +2B and – 3. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

6:30 48 South Shore Drive, Request for Determination of Applicability; Drilling of new well to replace point driven well; represented by Green Hill Engineering; M. Lemieux, Applicant

Documents: Site Plan

J. Tasse appeared as a representative for this project. He informed the Commission that the existing point driven well is not producing enough water for the home and it is unable to be repaired to alleviate the issue. He informed the Commission that the submitted plan needs to be revised as the original designated area for the new well is not feasible. The new location will be on the opposite side of the yard. All other details remain unchanged. No trees will be removed. Soil erosion controls will be put in place during the work. The old well will be decommissioned.

Agent: R. Gendreau reported that this is a minor project located at approximately the 50 foot buffer zone. The project can be conditioned for approval through the RDA process.

Action: On motion of S. Chidester, seconded by E. Gaspar, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle). On motion of E. Gaspar, seconded by S. Chidester, the Commission approved the request for permit for the project as described this evening and with the revised location for the well as denoted on the plan tonight with the following determinations: +5, +2B and – 3. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

6:45 Notice of Intent, DEP File #300-1050; 198 Lake Road; Raze and Rebuild of Single Family Home; B. Smith, Owner; represented by Z. Gless, Existing Grade, Inc.

Documents: Site Plan; Photos

Z. Gless and B. Smith appeared before the Commission seeking a permit for the raze and rebuild of an existing structure located at 198 Lake Road. The well for this project location was previously approved by the Commission.

Agent: R. Gendreau provided a summary of the project to the Commission. This property previously received a permit for a new well. At that time they were deciding between a renovation to the existing property or a raze and rebuild. They determined that the raze and rebuild is more feasible and are before the Commission now seeking approval for permit allowing: the raze and rebuild of a single family home in the same foot print of the current home, with the addition of a deck (in place of an existing impervious patio) and two deck pathways to the dock and steps to lake. They added that the deck pathways are to make the lake accessible to a disabled relative. R. Gendreau

added that the structure will remain grandfathered in if the building remains intact and is renovated, but it will lose that designation if it is razed and rebuilt. It will also put the property back into a non-conforming status and a variance from Zoning will be required for the project if that occurs.

Commission: The Commission responded that the plan is within the 50' buffer zone and their bylaws require an alternative analysis be submitted with the filing explaining why the structure cannot be moved out of the 50' buffer zone. The Commission also inquired if any trees would be removed.

Applicant: Z. Gless stated that no trees will be removed to complete the project. HE also stated that moving the building will require zoning Board approval and he hoped that staying within the same footprint of the existing building would alleviate that requirement. He also stated that the home could not be located outside the 50 foot buffer zone due to other structures on the property.

Agent: R. Gendreau advised the applicant that while they may not be able to move outside the 50 foot buffer zone, the structure could be moved further from the lake without having to remove another structure on the property.

Commission: The Commission agreed stating that it appears they have the ability to move the house back and in doing so they will also increase the setback from the abutters. They also reiterated that the Commission's regulations require an Alternative Analysis submission for this project.

Action: At the request of the Applicant, the Commission continued this matter to the January 21st meeting. **Consensus Vote:** 4-yes, 0-no, 0-abstain, 1-absent.

Letter Permit

- **53 Bennetts** – Tree Removal Application – M. Phelps, Owner.

Action: Continued to the January 21st meeting at the applicants request prior to tonight's meeting.

- **65 Whittemore Road** – Wetland Bylaw Letter Permit Application; Town of Sturbridge; McClure Engineering, Consultant.

Agent: R. Gendreau advised the Commission that this is a minor project at the edge of the buffer zone. Property owned by Town / Water Department. Project will replace existing underground pressure tank with an above ground tank. Agent has no concerns with the project as presented.

Action: Commission approved the permit for project as presented on the plans.

Consensus Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

New Business

No Report

Old Business

- **DEP File #300-0771, 36 Goodrich Road; F. Gunn**

Project is not in compliance with issued orders of permit which required the removal of existing decks on the property. Owner submitted a proposed revised plan for the project. The Commission did not approve the owner's proposed revised plan for the project. The owner has indicated that he will not comply with the orders as written.

Action: Commission instructed R. Gendreau to issue an enforcement order ordering Owner to comply with approved permit, and provide the Commission with start date and schedule when work will occur. **Consensus Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).

- **9 Holland Rd, DEP #300-959; Enforcement Order**

R. Gendreau advised the Commission that the Owner has hired a consultant, G. Krevosky, to assist them with bringing the site into compliance. They have been working with DOT to address stormwater issues on the site originating from Rt. 20. To date they have not submitted a restoration plan to address the unpermitted tree/vegetation removal that occurred on this and the abutter's site. She anticipates they will submit a restoration plan, and she has provided them with the contact information for the abutter. G. Krevosky has submitted information to argue that the site is not contained in the Riverfront Area as it is a historic mill site. She advised the Commission that she reached out to DEP regarding his inference, who provided some information but no confirmation of historic mill designation. R. Gendreau indicated that the submittal of an RDA would be required for a formal determination as such and she advised G. Krevosky of this. G. Krevosky requested a continuance to prepare filing to amend the existing order of conditions. He stated he will have the filing to the Conservation Department within two weeks. This filing request will be placed on the February 4 meeting agenda. **Action: At the Applicant's request the Commission continued this matter to February 4, 2020. Consensus Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle)**

- **158 Lake Road; Enforcement Order**

R. Gendreau advised the Commission that Arborist Tom Chamberland submitted a revised proposed plan for the landscape restoration required by the enforcement order. He is also working on the Notice of Intent filing but has not submitted that to date. Upon review of the plan submitted by the arborist, the Commission stated that they were not satisfied with the proposed revised plan. They are seeking the re-planting of more trees on the site. R. Gendreau suggested that the Commission meet with the arborist at the site to determine the quantity and location and type of plantings they want incorporated into the restoration plan. **Action: Continued to February 4th meeting to allow time for the site visit and NOI filing. Consensus Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

- **DEP #300-1021; 30 River Road – Stream Evaluation**

S. Morrison presented results of off-site / down-stream evaluations. He advised the Commission that the results indicate the down-stream areas have stabilized. He added that Solitude Lake Management was performing aquatic vegetation management / treatment on the pond. R. Gendreau informed the Commission that Pine Lake has requested to stop weekly monitoring over the no work / winter season. R. Gendreau advised the Commission that she feels some monitoring is still useful. After brief discussion a decision was agreed upon by the parties to have on-site staff continue regular monitoring and outside consultant will perform storm event monitoring (events over ½ inch) until work resumes. Pine Lake RV Park will be placed back on the agenda for the March 17th meeting, site visit will be held prior to that date on March 10th at 9am.

- **Mass DOT Enforcement Order; Long Term Repairs**

Discussed under Walk-Ins

Request for Certificate of Compliance

- **DEP File #300-580; 6 Tannery Road** – R. Gendreau reported that she reviewed the site and the project was completed as per the plans. She has no concerns issuing a Certificate of Compliance at this time. **Action: Approval to issue Certificate of Compliance for DEP File #300-580 by Consensus Vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

- **DEP File #300-1009; 186 Lake Road** – R. Gendreau advised the Commission that her site inspection revealed that gutters had not been installed on the porch as per the approved plan. She had advised the applicant and will revisit the site after installation. **Action: The request for certificate of compliance was denied. Consensus Vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**
- **DEP File #300-1003; 138 Lake Road** - R. Gendreau reported that she reviewed the site and the project was completed as per the plans. She has no concerns issuing a Certificate of Compliance at this time. **Action: Approval to issue Certificate of Compliance for DEP File #300-1003 by Consensus Vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**
- **DEP File #300-985; 38 Warren Road** - R. Gendreau reported that she reviewed the site and the project was completed as per the plans. She has no concerns issuing a Certificate of Compliance at this time. **Action: Approval to issue Certificate of Compliance for DEP File #300-985 by Consensus Vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Barnicle).**

Extension Request

- DEP File #300-726; Cedar Lake Orders of Conditions – This matter was continued to the January 21st meeting at the request of the applicant.
- DEP File #300-727; Big Alum Lake Orders of Conditions – This matter was continued to the January 21st meeting at the request of the applicant.

Commission: The Commission asked R. Gendreau to check on the expiration date for Walker Pond Orders of Conditions as well as they believe they will also expire soon.

Agent Update

- Agent advised the Commission that she is in the process of obtaining quotes for asbestos abatement for the Heins and Leadmine properties. She will seek funding for the projects from CPA.
- Agent advised the Commission that she is working with forester to develop a forest cutting plan for Leadmine. Forester feels a proposal to develop a young forest is the best plan. Grants are available for the development of young forests. She added that this is in keeping with working toward our stewardship plan for that property.
- Agent advised the Commission that the work on the Grand Trunk Trail thru Sturbridge is moving forward.
- Commission was advised that the stormwater work at 179 Main Street is well underway. Agent has asked for a schedule. Some work will need to wait until spring to be done.
- Agent reported that the sotrmwater work at 31 South Shore Drive is also proceeding forward. This is the site that DEP issued a superseding order when abutter appealed our orders.
- 27 Ladd Road / 508 International LLC filed a Notice of Intent today for the maintenance of an existing structure. Agent performed site visit last week at 27 Ladd and abutting Sturbridge properties. Abutting properties also found to have trails on them that may have jurisdictional areas of concern, she will need to revisit when ground is not snow covered. Court hearing held today as well, case was continued to March 5, 202 to allow the NOI to proceed.

Adjourn

On motion of S. Chidester, seconded by S. Halterman, the Commission adjourned at 8:41pm.
Vote: 4-yes, 0-no, 0-abstain, 1-absnet (Barnicle).

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Jan 7, 2020

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
1/7	Jeff Bonja	Innovative Home Transf	No	Cherney/4 Mt Dan Rd
1/7	Kathryn Eagan	BSC Group 803 Summer St Boston, MA 02127	No	Cedar Lake / Mass DOT
1/7	Peter Reed	"	"	"
1/7	Bill Cloutier	MASS DOT Suzanne St	No	CEDAR LAKE
1/7	Leigh Darrin	5 Cedar Pond Rd Cedar Lake Assoc.	No	Cedar Lake
1/7	Suzanne Brozek	2 Karibenski Cedar Lake Ass.	No	Cedar Lake
1/17	GLENN KREVOSKY	EBT INC	No	D. BONEVENTURA
	Nancy & Arman Boulanger	C Mt Dan Rd	YES	
	Jeff Tasse	Green Hill Eng	No	Leamux well at 48 S Shime Av
	Barbara Smith	198 Lake Rd.	No	Big Alvin - 198 Lake

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
1/7/20	Scott Morrison	EcoTec, Inc	NO	30 River Rd
1/7/20	Zachary Gless	Existing Grade, Inc	NO	196 Lake Road.
1/7/20	PETE ENGLE	McCLURE ENG.	NO	65 WITTEMORE