

Sturbridge Conservation Commission

Meeting Minutes

Tuesday, January 21, 2020

Approved February 4, 2020

Present

Ed Goodwin, Chairman

Steven Chidester, Vice-Chair

Steve Halterman, Commissioner

David Barnicle, 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; all commissioners in attendance

Committee Updates:

- CPA – E. Goodwin reported that the next meeting of CPC will be at the Special Town Meeting.
- Trail Committee – D. Barnicle reported that the last regular meeting was held 2 weeks ago. He added that on the 3rd Saturday in Jan and Feb members will meet to go over plans for the upcoming year. Three items currently being worked on are the Riverlands trail development, the reevaluation of the work completed by the WPI students pertaining to the bridge over the Quinebaug River from the Riverlands to Main Street, and the development of official trails on the Plimpton property.
- Open Space Committee – No Report
- Lakes Advisory Committee – No Report

Approval of minutes:

- November 5, 2019 – On motion of D. Barnicle, seconded by S. Chidester, the minutes of the December 5, 2019 meeting were approved. Vote: 3-yes, 0-no, 2-abstain (Halterman, Gaspar), 0-absent.
- January 7, 2020 – On motion of E. Gaspar, seconded by S. Halterman, the minutes of the January 7, 2020 meeting were approved. Vote: 4-yes, 0-no, 1-abstain (Barnicle), 0-absent.

Walk-ins: No walk-ins

Public Hearings

6:15 45 Burgess School Road; Request for Determination of Applicability; Outdoor Classroom Construction; Tyler Montgomery, BSA, Applicant.

Document: Site Drawing

T. Montgomery appeared before the Commission seeking permission for the construction of an outdoor classroom at Burgess Elementary School. The project will feature a 6X6' platform for the teacher and several benches for students. Both will be cemented to the ground / not moveable.

Commission: The Commission asked that the platform have gravel beneath it and 10 penny spacing between the deck boards. They also asked him to flip the position/facing of the classroom around so that the teacher's back is to the woods and student benches are facing the woods, which will also provide a natural stadium seating effect for the benches.

Action: On motion of D. Barnicle, seconded by S. Halterman the public hearing was closed. **Vote:** 5-yes, 0-no, 0-absent, 0-absent. On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the permit through the RDA process with findings of +2B, +5, and -3 with the incorporation of the suggested changes. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

6:30 Notice of Intent, DEP File #300-1050; continued from January 7, 2020; 198 Lake Road; Raze and Rebuild of Single Family Home; B. Smith, Owner; represented by Z. Gless, Existing Grade, Inc.

Documents: Alternative Analysis Plan, Revised Original Site Plan

Z. Gless and B. Smith appeared before the Commission seeking approval for the raze and rebuild of a single family home at 198 Lake Road. As requested by the Commission at the last meeting the applicant presented an alternative analysis for the site. The engineer detailed why the alternative plan was less beneficial to the site than the original plan which razed and rebuilt the home in the same foot print as the existing home. He advised the commission that the alternative plan would disturb more ground, would still not meet the set-back requirements on the sides of the home, and moving the home would require a variance from zoning as well. Whereas, the proposed raze and rebuild plan places the home on pilings (no foundation) and rebuilds the home as it exists now in location, size and height. Applicant stated that no trees will need to be removed or limbed as the structure will remain the same. The revisions made to the original plan included the addition of a CulTec and arborvitae plantings.

Agent: R. Gendreau asked the applicant if keeping the home in the existing location would require any tree limbing. Applicant's engineer replied that it will not as the new home will be the same height as the existing home.

Commission: S. Halterman stated that an alternate location for the home on the site is available and per our bylaw that is the plan that should be approved. Other commissioners thought that less disturbance of the ground would be best. Applicant made statement about her family's lengthy history on the lake at that location including her deep concern for the lakes well-being. The Commission asked the applicant if she would consider changing the proposed plantings from arborvitae to winterberry. She agreed.

Action: On motion of D. Barnicle, seconded by S. Halterman, the public hearing was closed. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent. D. Barnicle made a motion to approve the Alternative Site Plan, the motion was seconded by S.

Halterman. Motion was defeated by the vote: 2-yes, 3-no (Goodwin, Chidester, Gaspar). A motion to approve the applicant's preferred proposed revised original plan with amendment to plantings was made by E. Gaspar and seconded by S. Chidester. The motion was approved by the vote: 4-yes, 1-no (Barnicle)

Letter Permit

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

Owner submitted a request to trim 2 Oak trees and remove 5 trees (4 dead, 1 to accommodate crane). A sketch, photos and arborists report were included with the request. Applicant's request, to remove three additional trees and shrubs on the island across the street from the home, was removed from the original request when they were informed that the removal of trees for parking was not permissible. In lieu of a large crane, the Commission asked the applicant to explore with arborist an alternate method to remove the trees in order to eliminate the need to remove the large oak in the front of the home. **Action: Consensus Vote: The Commission approved the applicants request as follows: 1) The 3 Maple trees and smaller mountain laurel in the island across the road may NOT be removed. Removal of trees for the conversion of use (parking area) would require review and approval through the submission of at least a Request for Determination of Applicability (RDA). 2) The Oak tree located on the edge of the road closest to the road cited to be removed for crane access may NOT be removed under this permit. The Commission requests the applicant to explore other options for the removal of the permitted trees (i.e. smaller crane or climbing, etc.) which would not require the removal of this tree. 3) The Hemlock located on the left side of the house next to patio deck, the two (2) Hemlocks located at the left rear of house on the bank, and the Hemlock located in rear of the house on the patio deck are approved for removal. 4) The Oak trees, noted on the plan for maintenance, may be pruned of dead wood. 5) This approval does not include the grinding or removal of the stump and/or roots. Wood chips may remain on site and be utilized for erosion prevention if chosen. limbing of 2 oak trees and removal of 4 dead trees; on the condition that the large oak in the front of the home remain intact. They added that the applicant should chip wood and spread on adjacent slope. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

- **10 Fairgrounds Road – Wetland Bylaw Permit Application - Retaining Wall Repair - H. Simonelli, Owner**

Agent: R. Gendreau advised the Commission that this application was withdrawn and a Notice of Intent for the retaining wall repair and additional work was submitted and will be on the February 4th agenda.

New Business

- **Outbuilding Removal Project – Conservation Properties**

Agent advised the Commission that she is obtaining quotes for asbestos abatement, building demolition and removal for deteriorating structures on the Heins and Leadmine properties. Access to the sites is difficult making the removal of materials cumbersome which is / or will be reflective in the quotes. She advised the Commission that she will seek funding from CPA to accomplish the project. She is seeking the Commission's support to move forward with the project and to seek funding from CPA. The Commission asked R. Gendreau to ask the Building Department to condemn/secure the cabin at the Heins property to restrict access in the interim. **Action: Commission approved support of the proposed project. Consensus Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

- **Long Pond - Boundary Delineation**

Agent advised the Commission that when the property was obtained it did not include the boundary delineation. She added that Opacum, the holder of the CR, is having difficulty finding the boundaries in certain areas. Agent has received a quote of \$2700 w/nt of \$3200 to perform the boundary delineation. She will seek funding of this project from CPA. She is seeking the Commission's support to move forward with the project and to seek funding from CPA. **Action: Commission approved support of the proposed project. Consensus Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Old Business

No Report.

Minor Amendment to Orders of Conditions

- **DEP File #300-925 ; Walker Pond**

A representative from SOLitude, D. Meringola, appeared on behalf of Walker Pond Association seeking approval to change the herbicide used to treat the pond specified in the Orders of Conditions to ProcellaCor. He advised the Commission that the new herbicide is a very effective rapid acting product. It is approved by DAR and DEP and recently by the State of MA for use in MA. Less volume is needed to perform the same job and its effects last longer so fewer treatments.

Commission: The Commission asked how long this herbicide has been on the market and D. Meringola advised the Commission that it has been on the market for 2 approximately 2 years.

Agent: R. Gendreau asked if the lake would need to be treated every year with the use of ProcellaCOR. D. Meringola stated that they are hoping to have to treat the pond less frequently or perhaps a much smaller area.

Action:

On motion of S. Halterman, seconded by S. Chidester, the Commission approved the minor amendment to the Order of Conditions for DEP File #300-925; specifically amending the herbicide used for treatment to ProcellaCOR. Vote: 4-yes, 1-no (Goodwin), 0-abstain, 0-absent.

Request for Certificate of Compliance

- **DEP File #300-427; 260 Holland Road; E. Tichy, Applicant.** Agent advised the Commission that an inground pool had been constructed on the site that was not on the approved permitted plan. She added that the pool is located mostly outside of the 100 foot buffer zone but within the 200 foot buffer zone. An RDA should have been completed for the pool and could have been permitted through that process. **Action:** The Commission requested R. Gendreau advise the applicant to submit an as-built for the property site prior to considering approval of the Certificate of Compliance. **Consensus Vote to continue this to the February 4, 2020 meeting. 5-yes, 0-no, 0-abstain, 0-absent.**
- **DEP File #300-986; 33 Mountain Brook Road; R. Audino, Applicant.** Agent advised the Commission that the applicant never started the project. **Action: Consensus Vote: The Commission approved Certificate of Compliance for DEP File #300-986 as Invalid, the project was never started. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
- **DEP File #300-974; 4 Birch Street; S. Soper, Applicant.** Agent advised the Commission that the issuance of the Certificate of Compliance was waiting for the submission of a revised plan which includes the irrigation pump/system that was installed on the property. That plan has been received by the Conservation Department per the Commission's request. **Action: Consensus Vote: The Commission approved Certificate of Compliance for DEP File #300-974 as detailed on the revised plans. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Extension Request

- **DEP File #300-726; Cedar Lake Orders of Conditions.** SOLitude has submitted a request on behalf of the Cedar Lake Association to extend Orders of Conditions for 3 additional years. SOLitude added that they will likely seek an amendment or new Orders of Conditions before that extension expires to amend treatment herbicide and/or timing of draw down. **Action: Consensus Vote to approve 3-year extension of permit. Vote: 4-yes, 1-no (Goodwin), 0-abstain, 0-absent.**

- **DEP File #300-727; Big Alum Lake Orders of Conditions.** SOLitude has submitted a request on behalf of the Big Alum Association to extend Orders of Conditions for 3 additional years. SOLitude added that they will likely seek amendment or new Orders of Conditions before that extension expires to amend treatment herbicide and/or timing of draw down. **Action: Consensus Vote to approve 3-year extension of permit. Vote: 4-yes, 1-no (Goodwin), 0-abstain, 0-absent.**
- **DEP File #300-977; 279 Holland Road; M. Farrell, Ocala Reality Services LLC, Applicant.** Applicant is requesting the extension of the permit for 3 years as the project has not started to date. **Action: Consensus Vote: Commission approved the permit extension for 3 years. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
- **DEP File #300-972; 3 Ladd Road; R. Briggs, Applicant.** This was a Notice of Intent was issued after-the-fact for unpermitted tree removal and drive way installation. The Commission requested the removal of the driveway and landscape restoration. The driveway was removed and restoration plantings were completed, but only recently. The permit requires monitoring of plantings for 3 years prior to execution of Certificate of Compliance. As such the permit will need to be extended to monitor the trees for the 3-year period. **Action: Commission approved the permit extension for 3 years, a site visit will be performed this spring. Consensus Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Forest Cutting Plan

- Ladd Road; M. Gagner, Owner; J. DiMaio, Forester
Agent met with C. Capone, DCR, on-site to review the proposed plan. Many items on the plan that were not allowed use under a Forest Cutting Plan. R. Gendreau reported that the proposed Forest Cutting Plan was denied by DCR.

The Commission stated that extra care should be taken when considering approval of any proposed forest cutting plans as past experience has revealed forest cutting plans are being used to later ease the conversion of land use for the property.

Agent Update

- **2 Cedar Lake; DEP File #300-971:** R. Gendreau stated that per the Commission's request, a letter has been issued to the homeowner requesting their attendance at the Feb. 4th meeting to discuss the status of the project and debris noted near jurisdictional areas.
- **Abutter to Gunn property** with stormwater issue that was to be addressed will be followed up in the spring.
- **51 Technology Park:** The project is moving forward and Agent has visited the site to ensure adherence to approved plans and conditions.
- **Grand Trunk Trail:** R. Gendreau informed the Commission that the property boundary lines for 75 and 77 Farquhar need to be delineated. The Trails Committee will fund the boundary delineation.
- **Enforcement Order; Gunn:** The Commission was issued a draft of the proposed Enforcement Order for review. R. Gendreau asked the Commission for their comments pertaining to the proposed enforcement order. The Commissions advised R. Gendreau that they want to decrease time for Mr. Gunn to reply to 5 days of receipt of EO.

Adjourn:

On motion of S. Chidester, seconded by E. Gaspar, the Commission adjourned at 8:26pm.

Jan 21, 2020

STURBRIDGE CONSERVATION COMMISSION

PUBLIC HEARING SIGN-IN SHEET

(PLEASE PRINT CLEARLY)

Date	Name	Firm/Address	Abutter? Yes / No	Reason / Project
01/21/20	James Montgomery	70 NEWBOSTON RD		
01/21/20	Tyler Montgomery	70 New Boston		Permit
1/21/20	Zachary Coless	Existing Grade, Inc		198 Lake Road.
1/21/20	Mark Fanny	20 Padua Rd		Permit
1/21/20	Barbara Smith	198 LAKE RD.		
1/21/20	Dominic Merino	SOLITUDE Lk Mngmt	No	Cadon, Big Alun Walker
1/21	Melissa Phelps	53 Bennetts Rd		Permit
1/21	Tim Phelps	53 Bennetts Rd		" "