

Sturbridge Conservation Commission

Meeting Minutes

Tuesday, September 15, 2020

Approved October 6, 2020

****Virtual Meeting****

6:00 PM Chairman Goodwin opened the meeting and confirmed there was a quorum. All Commissioners were in attendance.

Chairman Goodwin read the virtual meeting statement below:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting law, G.L. c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number people that may gather in one place, this meeting of the Sturbridge Conservation Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation can be found on the Town's website at <https://www.sturbridge.gov/town-administrator/pages/how-access-virtual-meeting>. For this meeting, members of the public who wish to listen and or watch the meeting may do so either online via the Town's on demand video broadcast, on cable television on channel 191, or dial into the meeting at 774-304-1455, enter 1428# for the meeting number and 12345 for the access code. (This phone number is only active for the public during public meetings). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.

Chairman Goodwin read the Public Hearing statement.

Committee Updates:

- **CPA:** E. Goodwin reported that a meeting was held last night. Two subjects were discussed; support of the Selectmen for Town to purchase the large property for sale on Cedar Lake, and the Streeter Beach property.
- **Trail Committee:** Next meeting is this Thursday.
- **Open Space Committee:** No report.
- **Lakes Advisory Committee:** No report.

Approval of minutes: The approval of the minutes was tabled until October 6, 2020 due to an error on the agenda as to which meeting minutes were to be approved.

Walk-ins: No walk-ins.

Public Hearings

6:15 106 South Shore Drive – Notice of Intent; DEP File #300-1069; J. & K. Rude, Owner/Applicant; L. Jalbert, Jalbert Engineering, Representative; construct porch over lower deck and construct roof over portion of northern deck.

Documents: Site Plan

L. Jalbert appeared before the Commission on behalf of the applicant. He advised the Commission that the project will raze the existing deck and construct a new deck which will be further from the wetlands. It will move it out of the 25 foot buffer zone and that area will be revegetated.

Agent: Inquired if the contractor what type of footings the contractor would be using. L. Jalbert replied that they intend to use the existing footings. R. Gendreau recommended granting the waiver and approving the project with conditions.

Commission: The Commissioners inquired about the use of the lower deck expressing concern that it would become more than a three season room in the future. They also asked about the roof on the northern deck.

Representative: L. Jalbert advised that the room is not intended to become more than a 3 season porch. He added that the roofing on the northern deck will cover just a portion of the deck, a walkway area.

Public: No comments.

ACTION: On motion of E. Gaspar, seconded by S. Halterman, the Commission closed the public hearing. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.** On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the permit for DEP File #300-1069 for the raze/rebuild of deck, porch over deck, and roof over portion of the northern deck with conditions. **Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.**

6:30 1 Cedar Pond Road – Notice of Intent; DEP File #300-1070; C. & J. Cottone, Owner/Applicant; L. Jalbert, Jalbert Engineering, Representative; Garage addition to existing single family home.

Documents: Site Plan

L. Jalbert appeared before the Commission on behalf of the applicant. He advised the Commission that the project is an attached 24' x 24' garage addition to a single family home. There will be footings under the garage with drip runoffs for the garage as well. The lot coverage is moving from 17% to 20% on this non-conforming lot. The Zoning Board of Appeals has already had hearing on the matter and approved the project.

Agent: R. Gendreau advised the Commission that the work is located at the 100 foot buffer zone within and already disturbed driveway area. The foundation work is minor and can be handled with erosion control conditions. She recommended approval with general conditions including the removal of excavated material and erosion controls.

Public: No comments.

ACTION: On motion of E. Gaspar, seconded by S. Halterman, the Commission closed the public hearing. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.** On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the permit for DEP File #300-1070 for the construction of a garage addition to a single family home with conditions including removal of excavated materials and erosion controls. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

6:45 I-84 Eastbound MM2 – Notice of Intent and Wetland Restoration; DEP File #300-1071; D. Nguyen, UPS, Applicant; J. Chrzanowski, Roux Associates, Inc., Representative; MA DOT, Owner; Wetland Restoration following IRA Activities.

Documents: Site Presentation, Plan, Photos

J. Chrzanowski, Roux Associates, Inc. appeared before the Commission on behalf of the Applicant. He advised the Commission that the project is the result of a truck accident and oil leak last year. Applicant's plan is to restore the wetlands now that the clean-up is complete. Approximately 100 gallons of oil leaked from the overturned truck. Absorbant booms were used to remove the oil and 100 tons of soil. He added that there is still a minor amount of clean up to be accomplished. The applicant will confirm with DEP that they have reached their goals. They will also need approval from MA DOT as they own the property. The applicant's intent is to put the wetlands back together with a detailed plan. The remaining clean-up work will be completed this fall and then plantings will be done in the spring.

Agent: R. Gendreau thought the plan is thorough. They will put down seed mix this fall and do the plantings next spring. The plan calls for 1:1 wetland restoration. She recommended approval so they can get out to the site this fall to complete clean-up work and prepare it for site restoration/wetland restoration in the spring.

Public: No comments.

Commission: S. Halterman and D. Barnicle questioned why the testing took so long to complete. The applicant advised that difficulty access the area, coordinating with entities involved, and delays due to Covid19 resulted in the project taking longer than anticipated. The Commission advised the Applicant that they would like sample testing to be done again in the spring. Applicant agreed.

ACTION: On motion of S. Halterman, seconded by D. Barnicle, the Commission closed the public hearing. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.** On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the permit for DEP File #300-1071 for Wetland Restoration on I-84 Mile Marker 2 as presented by Roux Associates, with the requirement that soil sample testing be performed again in the spring of 2021. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

7:00 246 Holland Road – Notice of Intent; DEP File #300-TBA; J. Harrity, Owner/Applicant; M. Farrell, Green Hill Engineering, Engineer/Representative; Construction of a Single Family Home and associated site work.

Agent: R. Gendreau advised the Commission that this is the 3rd lot on the parcel to be developed. This filing showed plans for the subsequent development of two additional lots. Agent advised the Commission that development projects over 4 lots require a stormwater management system / plan. She spoke with the developer to confirm if it is his intent to develop 2 additional sites and he confirmed. Applicant requested to continue the hearing to allow time for the preparation of the stormwater management system and plan. **ACTION: Public hearing was continued to October 6th at request of applicant by consensus vote to allow time for applicant to prepare stormwater system plan. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

7:15 20 Goodrich – Request for Determination of Applicability; T. & M. Hartpence, Owner/Applicant; Driveway Repaving Project and Tree Removal.

Agent: R. Gendreau advised the Commission that the applicant is seeking to repave an existing driveway up to an existing parking area, and have agreed to add rip rap along the side of the

driveway. She reported that the tree removal is an after the fact filing for some unpermitted work that had already been completed and is being proposed in conjunction with additional proposed paving work to be done at the site. The Contractor took down three trees and limbed several others without a permit. She spoke with the owner and they came in right away to file for the work, and agreed to restore the site.

Applicant: The Applicant asked if the erosion controls would be necessary if the project was completed in one day.

Commission: Expressed concern with eliminating the erosion control requirements.

Public: No comments.

Agent: Agent reported that the tree service company has received a formal warning that approval is required to cut trees in resource areas and advising them to contact Conservation before cutting if there is any uncertainty. The driveway is a repaving project in already disturbed area and Agent recommended approval with determination of +2B, +5, -3.

ACTION: On motion of S. Halterman, seconded by E. Gaspar, the Commission closed the public hearing. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.** On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the project and tree removal/restoration with condition that erosion control be ready to be put in place if there is inclement weather on day of repaving or if the project takes longer than the anticipated one day with the determinations of +2B, +5, -3. Replanting is to include but not be limited to four high bush blueberry plants. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Letter Permits

- **118 Paradise Lane – Tree Removal:** Applicant original request was for removal of 13 trees. After a site visit by the agent and Commissioners it was determined that 2 additional trees should be removed. The request was amended by the applicant to include the removal of 15 trees and the treatment of 3 Hemlocks near the shore. In addition, two River Birch clumps will be replanting along the 25 foot buffer zone. **ACTION: By consensus vote, the Commission approved the removal of 15 trees and the treatment of 3 hemlocks on the shoreline with the agreement by the applicant to plant two River Birch clumps along the 25 foot buffer zone. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Permit Extension Requests

- **DEP File #300-0999; 103 Shore Road, Trifone, A:** Applicant requested an extension to complete the approved work. **ACTION: By consensus vote the Commission approved a 1-year extension to allow time for applicant to complete the remaining work (deck, wall repairs). Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

New Business

- **Center at Hobbs Brook – Retaining Wall Repair Presentation:** The project team for Hobbs Brook presented an informal presentation of two options for retaining wall repairs. Their preferred plan, Option 1, places the repair work in front of the existing wall. They feel this option is a better solution, but is closer to the resource area. Option 2 places the work behind the existing wall, between it and the Center's buildings. The project team feels this solution is less desirable as it disturbs more soil and they are uncertain if the remaining portion of the existing wall will also fail in the future. It is also twice as costly as option 1. However, it does move the work further from the wetlands. Commission raised questions about the height of the remaining wall and grading of the slope resulting from the removal of the top portion of the wall. They expressed their preference to keep the work away from the wetlands. Project team stated that

they did not have that number but will obtain it for the Commission's next meeting. They also informed the Commission that they are unaware of what was used as fill when center was developed. Discussion will continue at a subsequent meeting.

- **Bylaw Codification:** The Agent advised the Commission that the Town has contracted a professional to recode all of their bylaws to synchronize and ensure cohesiveness. Agent reviewed the changes suggested by the recoding contractor for the Wetland Bylaws. Commission agreed with all of the suggested changes. Once the recoding of all of the bylaws is the Commission will take an official vote to approve the recoded bylaw. Then the whole document, Town Bylaws, will need to go to a Town Meeting for approval.
- **Electric Bike Use on Conservation Properties:** Agent reported that questions have arisen regarding the use of electric bicycles on Conservation properties. She added that all properties with Conservation Restrictions have specific guidelines that restrict the use of any motorized vehicles on those properties. Agent added that for those properties in the Conservation Commissions care that do not have Conservation Restrictions there is not set regulations. She advised the Commission that they may want to institute some type of regulations. Agent will draft potential language to be used for this purpose and present it to the Commission.

Old Business

No Report.

Request for Certificate of Compliance

No Report.

Forest Cutting Plans

No Report.

Emergency Certifications

No Report.

Minor Amendments to Orders of Conditions

No Report.

Correspondence

- **Tennessee Gas Pipeline Notification:** The Agent reported that she received correspondence advising of vegetation control activity along 13.5 miles of the pipeline stretching from Hampden County to Worcester County, including through Sturbridge. She added that this work is exempt under the WPA.
- **Petition to the Town of Sturbridge to Purchase 66 Westwood Drive:** Agent reported that 11.5 acres of Cedar Lakefront land, classified as 61B Recreation, is for sale. The Town has the right of first refusal to purchase the land if the potential buyer wants to change the use of the land (61B Recreation). Town residents have submitted a petition to the Town advising the Town of their desire for the Town to purchase the property. The Conservation Commission was copied on the submission.

Agent Report

- Agent reminded the Commission that there is 3 weeks until the next meeting, as such the date for site visits will be Tuesday, Sept. 29th.
- D. Barnicle asked the Agent to place the Enforcement Orders back on the Agenda for the next meeting.

Adjourn: On motion of Steve Chidester, the Commission adjourned at 8:50PM consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.