

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Minutes of Thursday, February 1, 2018

Approved 2/22/18

Sturbridge Center Office Building, 2nd Floor

6:00 PM -- Meeting Called to Order/ Steven Chidester, Vice Chair

Quorum Check: Confirmed

Members Present: Steve Chidester (SC) Vice Chair **Absent:** Ed Goodwin
Dave Barnicle (DB) Steve Halterman
Paul Zapun (PZ)

Others Present: Conservation Agent Rebecca Gendreau, Conservation Clerk Anne Renaud-Jones; Andre Cormier, Jr, Donald O'Neil, Peter Mimeault, George Kondylis, Glenn Krevosky

Committee Updates: CPA -- no report
Trail Committee -- no report; meeting next week
Lakes Advisory Committee; no meetings until spring.

Walk-ins Escape Estates, Andre Cormier, Jr,(AC) regarding project at 14 Douty Road;
Agent RG: Mr. Cormier has come before us to determine if a filing of an RDA (Request for Determination of Applicability) is necessary for him to proceed with a driveway expansion project he is undertaking at 14 Douty Road;
-- Mr. Cormier presented drawing of the site and indicated on it the proposed path of a gravel driveway extension. He has submitted to the Agent a Wetlands Delineation report from Matthew S. Marro Environmental Consulting of Leominster, MA, and a letter from Bertin Engineering regarding soil testing and perc done at lot 24 of the property.
AC: this work has been requested by the property owner, Mr. Peter O'Connell of Quincy; its purpose is to provide access to the back of the lot for the contractors who are gathering information and to avoid multiple people driving through the open field. This project is not a part of any filing for the expected future subdivision project;
—Discussion was had concerning the research Agent RG has done regarding the site based on GIS maps and observation; Her research shows several areas on the property have potential to be jurisdictional under both the WPA and the Stur Wetlands Bylaw ; therefore she recommends the applicant file a RDA (Request for Determination of Applicability) since their jurisdictional status is unknown. RG: Also, for the future project of the planned subdivision and the ANR lot builds, SCC will need an ANRAD (Abbreviated Notice of Resource Area Delineation) for approval of the wetland delineation.

-- The Commission agreed an RDA filing should be initiated; The RDA process was explained to Mr. Cormier, and he will be able to be on the agenda for the February 15th SCC meeting. The Commission requested the plan for this upcoming hearing must include the expected path of the driveway, the expected limit of work, any wetland delineations within 200 feet of this specific work area...

Public Hearings

- 6:15 Request for Determination of Applicability; 5 Cherry Brook Circle; David Rosen; installation of a fence and utility shed within riverfront area; *Continued from January 4, 2018.*
 Applicant was not present: Agent RG: This hearing was continued because Mr. Rosen had not brought in proper paperwork: since that meeting, all necessary documents have been present (legal notice tearsheet and certified abutters list); He measured the fence at 24ft; recommendation is a finding of -- Negative Determination #3: The work described is within the Buffer Zone, but will not alter an area subject to protection under the Act. Therefore, the work does not require the filing of a Notice of Intent, and Positive Determination #5; this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw. RG : we will require Mr. Rosen to advise us when he has the exact location of his shed placement; **Motion (PZ) to accent this proposal with its changes and the recommended determination. 2nd (DB); Vote: AIF (3:0);**

Discussion: Orders of Conditions - DEP #300-1005: 47 Seneca Lane: George & Rebecca Kondylis;

George Kondylis and Glenn Krevosky (EBT Environmental) present:

-- Agent RG: We have been requested by the Kondylis to discuss the results of their Notice of Intent hearing on January 18th. They submitted a revised plan as requested immediately after the meeting, and upon review, we discovered a misunderstanding of the final decisions regarding the area within the 25foot area. Review of the meeting video did not sufficiently clarify this discrepancy.

GK: We have come to discuss the outcome of our previous hearing regarding the 25foot zone, We left the meeting thinking we had been approved to use a pachysandra ground cover in some areas of the 25ft strip, and use the originally planned grass area with a no-impact, no-nutrient (product); So we submitted our revised plan accordingly, and Becky (Agent) informed me that that was incorrect. Upon review of the video, I still heard, after my discussion of the option for a no-impact, no-nutrient (product); implied approval of this solution. Because Mr. Kondoylis wants to maintain some lawn in that area and use and enjoy the waterfront he purchased, we would like to request permission to submit a new plan; We are hoping we can re-open this hearing under the same DEP project; we would re-notify abutters and re-publish a Legal Notice. (A revised plan was shared)

The new plan would be limited to:

1. Repair of the existing seawall, retaining walls and stairs to include patching and repointing.
2. Removal of existing shallow well and installation of new drilled well.
3. Trimming of all trees (as they have overgrown and have not been maintained for decades) with no removal of trees.
4. Raze and rebuild existing home on existing footprint with bump out to stay, as well as stairs off side (required by code as 2nd mode of egress).
5. Raze and rebuild existing garage on existing footprint.

-- This new plan greatly reduces project scope and impact by removing many of the features of the earlier plan.

- **Commission agreed (AIF)** to reopen the public hearing contingent upon a new Legal Notice publishing and a new Notification to Abutters being sent. We can accommodate this hearing on the agenda for the February 15th Meeting, but Legal Notice **MUST** be done immediately to hit the publication deadline.

Request for a Certificate of Compliance: DEP #300-751; 76 South Shore Drive (aka 26 South Shore Drive); Peter Mimeault; Peter Mimeault and Atty Donald O'Neil present:

(NOTE: At the February 1st SCC meeting, the Commission reviewed this application and decided at site visit would be advantageous. The agent and 3 Commissioners visited the site today (February 1), meeting Mr. & Mrs. Mimeault, and Atty O'Neil on site.)

Atty O'Neil: Mr. Mimeault has filed for a Certificate of Compliance on his property at 76 South Shore Drive: This project has been ongoing for several years and he would like to be done with it; The garage plan was shifted 5 feet at the request of the ZBA, which he views as an insignificant change to the plan; The existing Order of Conditions provides for monitoring of his newly planted areas for 2 years, He has met all requirements for planting and stormwater; He has submitted 2 letters from engineering firms stating the project was completed with "substantial compliance"; We are requesting completion of a Partial Certificate of Compliance to be signed this evening.

-- Agent RG: The commission previously discussed several differences at this site from the originally approved plan; had also discussed a possible request for an As-Built plan; hence the site visit today. Today was first time we heard of a request for a Partial Certificate: According to DEP, this could be done with a new filing of the Request;

- Atty O'Neil: We do not see justification for an AsBuilt plan: we have submitted letters from 2 Engineering firms stating that changes are not significant and have no effect on stormwater plan.

- PM: spoke to the completing of all phases of his planting plan being accomplished, and that all was germinating before winter; The OOC does require continuing reports be filed with SCC;

- Commission discussed partial certificate never having been issued in these circumstances; but do have more reports coming in to insure future compliance; SC pointed out concerns with what appears to be driveway and parking area –

Motion (DB) to Close the Public Hearing 2nd (PZ); Vote AIF 3:0;

Motion (DB): to approve a full Certificate of Compliance be issued for DEP #300-751: with conditions that the monitoring of this project and required submission of reports be maintained for 2 years. 2nd: (PZ): Vote: AIF (3:0)

SIGNATURES:

Certificate of Compliance: DEP# 300-694; 259 (f.k.a. 263) Cedar Street; **SIGNED**
(Motion to approve (PZ) 2nd (DB) AIF (3:0))

Orders of Conditions - DEP#300-1004; 168 Lane Seven; Stephen Quink: **SIGNED**
(Motion to approve (PZ) 2nd (DB) AIF (3:0))

AGENT REPORT

- Have received request from Rapsallion Brewery for a recommendation of a new location site for the trailer: it needs to be near the first disc golf tee;
- Commission reviewed site on GIS map online; decided to wait 6 weeks for shift in weather and then do another site visit to assess. All agreed they can leave the trailer where it is until that time.

Adjourn 7:25 pm Motion to adjourn ((PZ); 2nd: (DB); Vote: AIF (3:0))

A copy of tonight's meeting can be found on our Town's website or is available upon request via the Audio Department: 508.347.7267