

TOWN OF STURBRIDGE, MA -- CONSERVATION COMMISSION

Minutes Thursday, January 18, 2018

Approved as amended 2/22/18

Sturbridge Center Office Building, 2nd Floor

6:00 PM -- Meeting Called to Order/ Ed Goodwin (EG), Chairman

Quorum Check: Confirmed

Members Present: Ed Goodwin (EG) Chair
Steve Chidester (SC) Vice Chair
Dave Barnicle (DB)
Steve Halterman (SH)
Paul Zapun (PZ) (*excused himself at 9:20pm*)

Others Present: Conservation Agent Rebecca Gendreau, Conservation Clerk Anne Renaud-Jones;
Peter Savenko, Ryan LaFortune, Art Allen, Scott Morrison, Tim Allen, Rich
Suitum, Wendy Stearns, Guy Martel, David Rosen, Leonard Jalbert, Zachary
Gless, Stephen and Valerie Quink, Glenn Krevosky, Gary Tremblay, Al Dobson.

6:00 PM-- Open Meeting - Quorum check

Committee Updates:

CPA: EG: CPC met; discussion centered around Recreation Dept request for \$1M towards the \$6.7M Athletic fields project at the Town Barn site. Committee voted to move forward with this request.

Trail Committee: DB: Trails Comm work days will be planning meetings during these winter months: upcoming meeting this Saturday (Jan 20); w will be developing our proposal for a major mountain biking event on the Plimpton property; we'll be discussing possible mapping of these trails; hoping to develop a 10+mile route.

Winter Tree Scavenger Hunt Contest Winner Drawing: Grant (10) and Luke (6) MacFarland; Conservation will present these brothers with a bird house, and subscriptions to Mass Wildlife and/or Ranger Rick.

Public Hearings

6:15 Request for Determination of Applicability: 48 Farquhar Road; Guy Martel: construction of a shed in the buffer zone. Guy Martel was present. Legal Notice tear sheet and certified abutter list were previously submitted.

-- Agent: this property has a wetland in the rear and across the street; applicant is requesting to build a large shed at the end of the driveway; plan includes infiltration; shed site is 130 ft from the wetland. Motion (SH) to close the public hearing, approve the project, and issue a determination. 2nd (DB) 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. Positive Determination #5; this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw. Vote: AIF

6:30 Notice of Intent; DEP#300-1006; 202 Lake Road; Wendy Stearns; raze and rebuild of single family home in the buffer zone. Represented by Jalbert Engineering: Len Jalbert (LJ) presenting; Legal Notice tear sheets and certified abutters list submitted; Property owners Wendy Stearns and Rich Suitum present.

Plans presented for discussion:

- 1) Plan of site in its current condition (Jalbert Eng drawing #15207; Rev 4, dated 12/15/17)
- 2) Plan of proposed rebuild (Jalbert Eng drawing #17232; Rev 4, dated 12/15/17);
- 3) Photos of trees previously approved for removal (June 2017)

LJ: Looking at current site plan, it shows the current house very close to the water (approx. 15-20 feet); We will locate the new structure approx. 54 ft back from the water. This plan also shows the new well location.

Will relocate power line; We have had a previous permit allowing the planting and the new well installation – all of that work has been completed; there are 2 roads coming into the site to a common turnaround; both will remain as is; We were approved thru ZBA for building on the non-conforming lot; power line will be relocated in order to push the house back; FEMA maps and contours suggest property could be flood-zone, the water there is dam controlled and there is a retaining wall in front of the property, so the house is buffered; elevation at the house is 3 feet above mean high water. Southwest corner has boat ramp – area will not be touched or disturbed - House will tie into town sewer, new well is already installed; Drainage apron around house 3ft wide x 6 inch deep; House has crawl space, not a cellar

Agent: Would like to see the drainage apron shown on the plan; plan does show small corner of this house in the 50ft; Need clarification of status of trees: (RS) originally 10 approved for removal, 2 are still remaining - dying hemlocks...; so trees marked for removal are in addition to previous removals. Agent requested Arborist Report: owner RS stated a report exists and will submit to ConsCom...

LJ: Can't move house back further because of the setbacks for Nat'l Grid..... (WS): we requested three things from Nat'l Grid -- to minimize loss of trees, to minimize #poles, and to minimize impact to neighbors.....So what's shown on this plan is the result of this effort...
.....LJ: Orig house is 800 sqft; new house is 3000 sqft; RS: If we go back further, it interferes with NG easements, and requires relocation of neighbor's sheds, - We don't want to impact the neighbors....

Discussion was had concerning the grandfathering of the footprint: SH contends if the corner of the new house is in the footprint of the previous house, it is allowable EG contends it is not grandfathered; SH clarified that the area of the new house plans which extend beyond the 50 ft is within the footprint of the original house.....

Commissioner Comments: PZ ok; SH concerned about portion within the 50ft; SH discussed loss of trees: RS: only ones coming down are hemlocks; we've been treating the big hemlock and it is not responding; we will lose it anyways...

LJ: requests a continuation to the February 18 meeting.

Commission approves continuation.

6:45

Request for Determination of Applicability; 195 Arnold Road; RapsCALLION Brewing; represented by EcoTec, Inc, for addition to existing building, along with associated site work and landscaping. *Continued from January 4, 2018;*

EcoTec representing: Scott Morrison. Also present: Chris McClure, project engineer, (McClure Engineering), and Cedric Daniels (RapsCALLION Brewery) .

Legal Notice tear sheet and certified abutter list were submitted

Engineered Plans submitted: McClure: Project Plan #287-1682

- McClure: Title Sheet T-1: dated 11/10/17;
- McClure: Overall Site Plan C-1; dated 11/10/17
- McClure: Site Plan C-2; dated 11/10/17
- McClure: Detail Sheet C-3; dated 11/10/17
- McClure: Building Elevations C-4; dated 11/10/17
- JCLA: Rain Garden Planting Plan L-1, dated 11/10/2017

SM: This is an existing brewery and apple orchard. RapsCALLION leases from the Hyland Orchard; They are requesting a 480 sqft addition onto their building. The site is 95ft from the wetland; the nearest corner of the new addition will be 70ft; this is designed so gutters on the orig roof direct flow to the new roof; which in turn, sheet feeds down to a new large raingarden, retaining wall and a small walkway and steps leading to gravel parking area. Haybales and silt fence wrapping around the project during construction to prevent any flow across the street to the wetland. Total disturbance is 1500 sqft;

SM - regarding questions discussed at the site visit re sewer cleanout - Note on plan indicates that yes, we will have a licensed plumber run the line through the proposed building to make that reconnection.; also the cleanout pipe will be raised 3 inches above the retaining wall so rainwater will not enter the sewer system....

This addition is storage space, not an enlargement of public space. SM: we are seeking a Negative determination to allow the project to proceed without filing a Notice of Intent;

Agent - An Operations and Maintenance Plan and Stormwater calculations have been included in this submittal - Plans do mention stockpiling issues and de-watering plans; This can be managed with some oversight of the erosion controls during the work; either through a Negative determination with conditions or with OOCs if Commission feels it necessary.

--- PZ ok; SH ok; SC: has concerns with the trailer and parking in fields: CD: the trailer is on land we lease for the ProShop- the Disc Golf; on the south side of the pond; it is not permanent; it does move; we've put rocks around it not as a foundation but to avoid having things placed under it - EG: Can it be moved outside of the wetlands boundary? CD Yes

-- Commissioners had some questions about the driveways, and some washout issues; CD clarified that RapsCALLION has no authority of that field; it is managed by Hyland Orchard DB: Asked about path of runoff flow from old bldg.: SM: it's all gravity fed; there is a drawing of the roofs showing that new addition roof is below level of orig bldg, allowing sheet flow to gutters; which then direct water to raingarden... Raingarden is 8 inches deep with 18 inches of soil and then 16in of crushed stone

-- DB: Is there protective barrier between raingarden and the road?: SM: yes, the retaining wall..... and substantial gravel between the raingarden and Lake Road; DB: has

this gone thru BOH for septic issues?? -- CMcC – has been through Zoning and planning already, and approved. Septic system has been upgraded within last 5 years; But the addition is not to accommodate more customers; the room is only for cold dry storage; DB - regarding the parking across the street.... Is this overflow??
CD – 2 fields in orchard have always been parking; section between the 2 roads is owned and operated the landlord (Hyland Orchard) - that is his overflow parking; and the field below is our disc golf field
- DB concerned with protection of the pond if substantial parking disturbs soil and could run into the pond....
- CD we can discuss parking with the landlord about what can be done; but that overflow parking is only used 2 weekends per year for apple picking... We are also currently working with Sturbridge Police to find a long-term solution for the overall parking issue....
DB would like some protection planned for this pond, but this issue really belongs to your landlord.....

-- **Motion (SC) to close the Public Hearing PZ 2nd; AIF; Motion (DB) to approve this plan and issue a determination as follows:**

Negative Determination #3: The work described is within the Buffer Zone, but will not alter an area subject to protection under the Act subject to conditions. Therefore, the work does not require the filing of a Notice of Intent. AND a Positive Determination #5; this project is subject to review and approval by the Town of Sturbridge under the Town Wetlands Bylaw.
2nd: SH; Vote: AIF

7:00 **Notice of Intent; DEP#300-1004; 168 Lane Seven;** Stephen Quink; represented by EcoTec, Inc; Repair and reconstruction of existing patio, fences, outdoor stairways, and removal of hazardous trees; in the buffer zone. *Continued from December 7, 2017.* Art Allen and Stephen and Valerie Quink present:

Engineered Drawing presented:

- McClure Project Number: 287-1681: "Notice of Intent Plan; Sheet 1 of 1: Rev 1 dated 12/19/17"

Art Allen: we have addressed concerns brought up at our last meeting (Dec 7) ; Existing gutters: are filled and blocked: We will remove existing gutters and downspout so water will sheet to deck and stairs, which are spaced to allow flow into the stone infiltration area beneath... (2-3 inch depth)

- Erosion Controls: have added another rows of wattles on the hide side of the slope closer the site excavation

-- Agent: recommend approval w conditions; we requested a ConCom evaluation of (the site) after the trees are removed to see if replanting will be necessary; We'll need to approve the drywell design; and we will allow for modification of erosion controls if the project is phased. - EG recommends doing the drywell at the same time as other work.

-- **Motion to close the Public Hearing, approve this plan and issue an Order of Conditions with conditions as discussed tonight (SH); 2nd (SC); (Note plan approved is dated 12/19/17;) Vote: AIF.**

7:15 **Notice of Intent: DEP #300-1005: 47 Seneca Lane:** George & Rebecca Kondylis; raze & rebuild of single family home and garage in the buffer zone; Represented by EBT Environmental Consultants. *Continued from December 7, 2017.*
- GK: presenting revised plan: Dock has been moved to the center of the property to meet

request of the Board of Selectmen.

-- We reduced the width of the stairs by 2ft; all the walls will be replaced as they are all in disrepair; all wall work will be done by hand; stone & mortar construction; our submission includes a separate page with wall details;

- Tree girdled with chain- we are asking to remove this

- White pine with lightning damage, we are asking to remove this

- 3rd tree – the red oak, is leaning towards the deck removal... we are asking to remove this

- Arbor vitae in the front – we are asking to remove these; we'd like to replace them with winterberry and high-bush blueberries...

- Patio has been reduced to 12 ft.... finished flagstone in stone dust; Patio has 1 ft wide dripstrip around all... - Drywell for all roof runoff; 6 ft walkway in front; soil on site is highly permeable; Stairs will be field stone and mortar – the same as the walls....

Agent RG: have some concerns with the submitted Arborist report: I visited the site- saw significant evidence of gypsy moth damage, but otherwise hard to tell viability of the trees; not convinced all trees need to be removed; did not observe lightning strike evidence perhaps limbing instead...

SC: would like to try to save the "lightning tree": what about new planting?

RG: yes, replanting shown on plans;

SC: Can you clarify the patio? Is it concrete? GK: we are removing the concrete and replacing with flagstone and stone dust - and reducing the size to 12 ft- 2 feet further from the lake... ..

.....EG: 4 arbor vitae (cedar) being removed; where are trees being planted...

my only concern is trees: would like more coverage w substantial trees.... disperse replanted trees throughout the yard..

- GK stated concerns about planting trees near the stonewalls will cause future damage.....

.....SC: Move tree from the perimeter into the yard; GK: Agreed;

DB: Would prefer more pervious walkway material than the proposed flagstone

- EG: We'd like to avoid grass in the 25ft; we have a 25 foot no cut zone; can we do ground cover: pachysandra? GK: Yes, that is planned as grass.... EG can we put non grass? Like a ground cover? We try to keep the 25 ft no touch –no grass to avoid chemicals, and keep maintenance free?

-- GK summary - we need to submit a revised planting plan - we've noted your requested changes; -- Can add small patches pachysandra on both ends of that strip- but would rather not use ground cover for the whole tier : - We can use a no-impact - no nutrient - low impact (product) - We use it in Wellesley and Marlborough- its required by Wellesley now ... I can provide a product sheet for it...

... leaving large pine, but can limb it ;

... leaning red oak can be removed;

...adding more bushes closer to the water;

...removing the arbor vitae directly in front of the house –

...adding some additional filtration

-- Motion (DB) to close the Public Hearing ... 2nd (PZ)

Motion (DB) to approve the plan with revisions discussed tonight, including planting changes, infiltration changes, and sidewalk changes (infiltration); revised plan showing changes will be received tomorrow (Friday, Jan 26). 2nd PZ; Vote: AIF

7:30 **Request for Determination of Applicability; 129 Shore Road**, Paul Girouard; represented by Joseph Coan, JCLA Design; removal of deck, install small patio and landscaping; *Continued from January 4th.* Applicant requested continuation to February 1st meeting. **Commission approved request for Continuation.**

7:45 **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.*
Agent: there is a perennial stream behind this property - Stream to the property line is 180 ft; the 200ft line falls across the middle of the property.... Removal of some pine trees and invasive species are necessary to allow for the fence: fence is 75 ft long; DR: shed is just for lawn tools; the exact location of the shed is not determined yet; we are considering a pool installation at a future date.....
Commission asked about bottom gap for the fence: Agent: : I recommend no gap because the fenced area is so small; we do not want wildlife getting trapped inside the fenced area w/ dogs... Commissioners agreed... Applicant did not have required documentation (proof of legal ad or abutter notification receipts), so hearing is continued to February 1st: Applicant will submit information and does not have to attend the Feb 1 mtg;
Commission AIF approves the continuation.

Letter Permits

Tree Removal Application: 33 Woodlawn; Peter Savenko (PS). Removal of 9 trees within buffer zone; pictures of trees and proximity to house were shown) PS: have had several trees/branches hitting the house in the last few years; some trees are ominous; fearful of damage...; Advantage Tree (Matt Gagner) has inspected the site and submitted a letter regarding 2 large pine trees; it is his opinion that they should be removed; PS there are also a few dead hemlocks...

Agent: removal of these trees will open up the canopy and encourage growth of small saplings on site; Mr Savenko has expressed willingness to replant at our suggestions; EG concerns with 1 pine right near the river; other Comm ok; Motion (DB): to approve this request with the condition that the Agent receives a detailed planting plan before March 1st. Plan will be a 2:1 replacement; allowing for some shrubs to be used. 2nd (PZ); Comments: EG: disagrees with accepting bushes as tree replacements. Vote: 3:2 (SC + EG dissenting)

Letter Permit (After the fact): 43 Draper Woods Rd. Ryan LaFortune: Construction of a small structure within the buffer zone. RF: this "shed" began several years ago as a kid's "fort" in the back woods. It was never intended to be anything substantial, but it became a fun thing to work on every summer with the kids... The sonotubes and platform were put in 2 years ago... : I'd like to ask to keep the fort for the kids: It is no closer to the wetlands than my other shed, which is permitted...

Agent: it is within the 50 ft buffer, where we allow "no new builds"; and it could even be right on the 25 ft buffer line; It is beyond the silt fence barriers shown which was the approved limit of work; Commissioner comments PZ thinks it should be removed; SH agrees; it is a build in the 50ft; DB agrees; SC - there is also a pile of lawn clippings and stockpiled materials that should be removed;

Motion (DB): To order removal of the structure and the 8 sonotubes, including all the stored material next to the shed and the dumped yard waste ; 2nd (SH; Vote: AIF

Agent: Could Mr. LaFortune place a shed in the approved yard area near the tree line?- Commissioners agreed that they would allow that - he would need to come back to SCC with a plan for approval. Mr. LaFortune asked if there was an appeal process. He was referred to DEP Worcester.

Minor Amendments to Orders of Conditions

DEP File # 300-970; 22 Cedar Lake Drive; A. Dobson; request for a minor revision to existing OOCs to remove 2 additional trees. Al Dobson is present at this meeting.

Agent: Applicant is requesting approval to remove 2 additional trees from those originally approved plan. There is a large oak and a smaller oak proposed to be removed. Some trees were permitted to be removed and replaced previously. ... We have been provided with a report from Tom Chamberland (Stur Tree Warden) (July 2017); we also visited the site with Joe Kowalski to view the trees.

SC: When we approved the project, we specifically cited that this tree should be protected as much as possible by the contractor; they were going to leave part of the wall intact specifically for that reason..

Commissioners discussed current condition of the tree, which has more than half its roots exposed through this very recent freezing weather; Discussed whether or not actions might be helpful; perhaps filling with soil now... Commission recommends immediate (urgent) action to fill around this root system and attempt to save this tree. Mr Dobson will take immediate action. The SCC will visit site tomorrow to take pictures and review completed work. Will contact Mr. Dobson to discuss.

Abutter Gary Tremblay (24 Cedar Lake) spoke, sharing his safety concerns for his property with the condition of trees at 22 Cedar: There were 3 trees here. 1 previously fell on his house; He strongly supports removal of both trees especially the one that is unstable right now....

The SCC will visit site tomorrow to take pictures and review completed work. Will contact Mr. Dobson to discuss. Continued pending site visit.

Old Business

- Sturbridge Wetland Bylaw Regulations Proposed Revisions: discussion of comments received from Board of Selectmen: POSTPONED to February 22 meeting due to expected Commissioner absence.
- DB: The Commission had an applicant Tom Earls come in some time ago who owned a trailer on Leadmine Road and requested permission to take it down ; He expressed concern about his grandfathering rights if he removed the existing trailer; We required the removal of some containers of petroleum fuel.... And I had a report, which I followed up on, that this has not been done. Neighbors are expressing concern about the continued degradation of the trailer.
 - Some discussion was had about whether or not we advised Mr. Earls about his grandfathering rights: All agreed we need to pull minutes to accurately recall the discussion. DB requested minutes of that discussion be found and sent to Commissioners for follow-up.

New Business

Conservation Land Special Use Application/Permit: Opacum Land Trust request to hold Full Moon Family Hike at Heins Farm – Pond Loop Trail – using temporary “storyboards”- these are staked into the ground (lawnsigns)- Hike is designed for young children; 5:30-7:00 pm.

Motion to approve (DB); 2nd: SC: Vote AIF

Request for Extension of Orders of Conditions

DEP # 300-925; Walker Pond; Dept. of Conservation and Recreation; aquatic vegetation maintenance; This request is for a 3-year extension.

Motion (SC) to approve; 2nd (DB): Vote AIF

Requests for Certificates of Compliance

DEP #300-811; 14 Birch Street; E. Seman Jr ; Agent RG: this is an old project; Agent visited the site and identified significant erosion near the driveway; owner said she will address; The Commission clarified that they understand this road erosion issue is a problem with the road itself and not one that belongs to this property owner alone.

Motion DB: to approve; 2nd SC: Vote: 4:1 (EGoodwin dissenting) SIGNED

DEP #300-751; 76 South Shore Drive (aka 26 South Shore Drive); Peter Mimeault

Applicant not present: Agent visited the site, grass has not fully grown, so site is not stabilized, a letter has been submitted by Bertin Engineering stating that the work has been completed; Agent RG noted that retaining walls installed and planting plan are different than the original approved plan; She suggests request for an As-Built plan, noting this project has been open and changed multiple times over several years; Commission consensus to visit the site before requesting an As-Built.. This CoC was not signed.

DEP# 300-910; 114 Leadmine; Watsky; Agent visited this project; found a raised patio built under the deck- was not on the orig plans; Has discussed with property owner infiltration area is under the patio. Also, some downspouts have not been connect to designated infiltration areas. Commission consensus to request an As-Built and have downspouts connected to the infiltration area. This CoC was not signed.

Agent Report

- CPC has requested ideas for projects: I will send an email out – I do have some ideas to suggest...
- 2017 Annual Report for the Conservation Department is being prepared; Agent will share her draft with Commissioners and request comments, since she was not onboard for the majority of the calendar year.
- Agent will be updating the Certified Arborist List which the Department uses.
- Lakes Brochure is being updated and reprinted: I have questions about some of the wording- I'd like your feedback... I see some discrepancies in the wording; would like some guidance.. Especially regarding beach replenishment and retaining wall repairs.
- Hamant Brook Update, Trail Parking Area Update, Plimpton shed were not addressed

Approval of minutes: December 7, 2017 DB: noted that in the Trails Committee Report, discussion of the workday task omitted the location- which was the Plimpton Property - this will be added. Also two minor grammatical errors were noted. **Motion DB: to approve minutes of Dec 7th as amended ; 2nd: SC; AIF**

Adjourn 9:30 Motion to adjourn (DB) 2nd (SC); AIF

Next Meeting: Thursday, February 1, 2018; 6:00 pm

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