

## Sturbridge Conservation Commission

Minutes of  
Thursday June 21, 2018  
Center Office Building

*Approved 7/19/2018*

*Mr. Goodwin called the meeting of the Conservation Commission to order at 6:00 PM.*

Quorum Check: Confirmed

Present:

Edward Goodwin (EG), Chair  
David Barnicle (DB)  
Paul Zapun (PZ)  
Steve Halterman (SH)

Absent:

Steve Chidester (SC), Vice Chair

Also Present:

Rebecca Gendreau, Conservation Agent (RG); Ashley Piascik, Administrative Assistant; Philip Moreau, RV Management Services (PM); Dan Wight, Pine Lake (DW); Joshua Perry, Pine Lake (JP); Pat McLaughlin, PetroGas (PMc); Scott Morrison, EcoTec (SM); Lesa Morse (LM); Michael Nickl (MN); Charles Morse (CM); Conrad Decker, PetroGas Group (CD); Jessica Pillsbury, 440 Main Street (JP); Arthur Allen, EcoTec (AA); Patricia Shevory, 440 Main Street (PS); Leonard Jalbert, Jalbert Engineering (LJ).

Committee Updates:

CPA: None.

Trail Committee: Met last Thursday (June 14<sup>th</sup>, 2018).

Open Space Committee: The Conservation Department drafted a letter stating that the Commission has reviewed the Draft Open Space and Recreation Plan, and supports their motion. (*Signed*).

Lakes Advisory Committee: Draw down period is not October, there was a miscommunication. There will be a newsletter sent out with the correct date in November.

Public Hearings

6:15 **Notice of Intent; DEP#300-1014; Continued from 5/17/18; 234-236 Haynes Road; PetroGas;** represented by EcoTec, Inc.; Redevelopment of an existing gas station and restaurant site, including relocation of a culverted perennial stream.

-AA began the public hearing by summarizing two previous public hearings and the site walk for the PetroGas project. Concept plans for the relocation of the existing perennial stream culvert were shown at May 17<sup>th</sup> meeting. Significant modifications and improvements have been made since. Filed with Board of Health for new septic. AA proposed to move the existing perennial stream culvert up to the Southeast perimeter of the site, and down the West side. Intent to move it out of the developed site and daylight it into the existing intermittent stream, which flows down

the North, with the intent to restore the section of the intermittent stream culvert and provide a new day lighted section of the stream at a new headwall inlet. AA showed a step pool design for the perennial and intermittent stream, which will preserve as much of the boulder substrate in the stream as possible. The perennial stream will come down into the intermittent stream and flow through to the MASS DOT drainage system. Plan to add cobbles and boulders.

-There will be approximately a 3 ft shelf on each side of both stream segments that will be restored as bordering vegetated wetlands. The slopes will be stabilized using erosion control blanket mix, seed mix and planting. AA submitted a new page 3 of 9 to the NOI which revises all resources area impacts. Page 3; 776 linear feet within the existing culverts, 147 feet of the intermittent stream is open, will restore 608 linear feet within the new perennial stream culvert, 128 feet will be day lighted in the perennial stream culvert and 144 feet will be restored. There will be a significant amount of additional open, restored stream area constructed. The bordering wetland vegetation impact is 2,036 square feet. Approx. 150 square feet where the new culvert near Mashapaug Road will be connected.

-PMc: The stormwater standards are met with the exception of requirements for groundwater recharge from the state, they do not meet that 60% the state requires. Will be discharging treated water back into the stream culvert in a similar manner. Two new BMPs in addition to what was seen in the original submission.

-AA: Details of the structure have been provided, two additional documents for review tonight, intention is to incorporate these documents after this hearing into final plans. Ultimate objective would be to have a pre-construction meeting to discuss specific protocol. General sequence and notes have been outlined for tonight's meeting.

The Board had the following questions, comments and concerns:

- The perennial stream culvert connects to the culvert on Mashapaug Rd., this culvert is going to connect directly to underneath Mashapaug Rd.
- Document this information as stated in the project plans.
- EG: Will there be a fence on the far side also? PMc: There is a fence in the one area; however we could add one in a similar fashion in the other area.
- DB: Screening fence is fine, the other fence is unprotected, screening done by the planting itself will be sufficient enough.
- RG: Since the first time the project has come in, they have worked on everything asked. Storm water, discharges, options available for the perennial stream and what constraints there are. Great improvements have been made to address major concerns.
- RG: Oversight during the work, make sure that adding a condition that we agree with the project proponent that there would be an environmental monitor for the site and written progress reports to the Commission for the duration, and wetland impacts and restoration; DB suggests two growing seasons, RG need to monitor how the stream will flow, headwalls by route 15, make sure there is a plan in place that if something does happen, make it a condition to monitor, report, inspect, maintenance, etc.
- SH: Numbers? AA: 2,036 sq. feet impact, 2870 restoration, and bank was 776 within the culverts and 147 ft. of open stream and restoration in 750 ft. in the new culvert, 128 of day lighted perennial stream, and 144 of restored intermittent stream.
- DB: Explain step down stream system? AA: Step pool, similar to high mountain stream, short waterfalls and plunge pools, from top to bottom, restored buffer banks, restored vegetation border shelf, step in-between the drops and in the long section you can see the drops in the step pool comes up as well as above the boulder it comes up, enhances habitat value in the stream
- DB: General nature of the plantings in the BMPs, AA: Wetland plantings, shrubs, cinnamon ferns and in the buffer there will be red oak, pine oak and white pine saplings.
- DB: Will be blanketed with wildlife mix and seeded over all of the slopes.

- DB: Frequency of maintenance document going to be? PMc: Each of the BMPs has their different reporting timeframes. Conditions can specify. DB: What would you consider as being a standard timing for this? PM: Every six months for the first year and beyond that would go out to a year and years to come.
- Provide our Commission with Conditions that other Commissions use.

The public had no following questions, comments and concerns.

--Motion (EG); 2<sup>nd</sup> (SH) to close the public hearing. Motion (DB); 2<sup>nd</sup> (PZ) Approve the plan as modified with the Order of Conditions that will be coming within the next week. **Vote: AIF (4:0).**

- 6:30 **Notice of Intent; DEP #300-1019; 30 River Road; represented by EcoTec, Inc.; Aquatic plant management of Pine Lake and wetland delineation boundary verification.**

*Submitted proof of abutter notification and legal advertisement form.*

-SM: NOI was filed for Lake Management Plan as well as, an Verification of Wetland Jurisdiction Boundaries. This was filed because of the issue with an open campground, flags might disappear. Hope to have them have them reviewed as quickly as possible, while the flags are intact. Because it is a Lake Management Plan, SM asked for a five year OOC due to ongoing maintenance. Pine Lake was delineated, and there is a perennial stream that flows into Pine Lake, and out of Pine Lake into the Duck Pond and down towards River Road. This pond is only about 8 and ½ acres, and would not be considered a “great pond.” In its natural state, a “great pond” is 10 acres, or more.

-JP: Proposing to do an annual, ongoing maintenance program to manage the invasive species and keep at bay the nuisance native species within the specific areas. We are looking to manage with USEPA and MASS approved aquatic herbicides. We want to be able to manage some algae in the high use areas with appropriately registered algaecides. Both pre and post surveys and reporting at the end of the year will be conducted for the next few years.

The Board had the following questions, comments and concerns:

- DB: Will spraying be reduced in subsequent years? JP: Yes
- RG: Would you be doing your surveys next year or that Fall? JP: We have towns require us to submit a pre-survey reports, and gain permission essentially based on what is seen.
- DB: We would like to see pre and post map of the vegetation
- RG: Reward? For the whole lake? Some temporary water use procedures include no drinking or cooking for three days, etc. Any thoughts on the dam that flows through to the Quinebaug, any concerns with it exiting out of the perennial stream? SM: We could potentially lower flash boards immediately before the treatment and put the boards in so there would not be a discharge to “buy” a few days
- DB: Public note? JP: Posters will be posted EG: You will need to notify ALL abutters, when you are doing it and prior notice
- RG: Are algaecides being used in town? JP: Yes, on Cedar Lake (Town Recreation Area)
- SH: Treating the whole lake? JP: We are going to survey, determine what is out there and submit a report, and treat what needs to be treated
- SH: Treating with an algaecide, very common? JP: Yes (Second by DB)
- EG: NOI and Delineation Boundary Verification, other than the lake, there is no other Delineation Boundary Verification, correct? We are approving all flagging for the entire site right now? SM: Yes

- SM: Waiting to hear back from DEP; DEP noted there was a Duck Pond, because it was all fenced in, we did not want to put any ground flags there, it was located however. DEP had questions because it was not delineated, thought we were calling it a resource area.
- No adverse, no take letter from Natural Heritage
- SH: Do we have an NOI with treatment of lake outlined? RG: Yes, we can add conditions
- PM: Relying on Solitude and EcoTec, and comfortable with their experience and service they have helped with in the area

The public had no following questions, comments and concerns.

--Motion (EG); 2<sup>nd</sup> (SH) to close the public hearing. Motion (DB); 2<sup>nd</sup> (PZ); 3<sup>rd</sup> (SH) This being a NOI, we issue an OOC under the WPA and town Bylaw and RG will write up the conditions and note that they are asking for the five year. **Vote: AIF (4:0).**

6:45 **Request for Determination of Applicability;** 188 New Boston Road; represented by Nickl, M.; Construction of an addition to an existing single-family house.

*Submitted proof of abutter notification and legal advertisement form.*

-MN: Looking to place two 20 x 24 setback that will go beyond the existing structure about 7 feet, and the third setback will be a garage (Over extending 4 feet). All setbacks are modeled off of the existing 2005 plan, when the septic system was replaced. Everything is marked and slopes within 15 feet of the width of the septic system. Hope to do that from within the 100 ft. buffer zone. The existing shed that is within the 50 ft., will be moved outside of the 50 ft. buffer zone. The applicant purchased the lot next door in order to have access to part of the lot, without encountering any additional buffer zone violations.

The Board had the following questions, comments and concerns:

- RG: There is riverfront on the property, maybe 200-250 feet away, once you secure the lot we will need a full plan showing this detailed. I feel comfortable with some conditions and over this can be approved with an RDA, negative number 3 and a positive number 5 that it is subject to the local Bylaw.
- PZ: Are you planning on doing anything with the lot next door? MN: No, needed the parcel to get rid of issue being close to the line. PZ: Just going to leave it alone? MN: Yes, leaving it alone
- SH: Erosion control? MN: Yes, during construction.
- EG: That is a perennial stream behind you, subject to rivers protection act; we do not want to see anymore filling.
- DB: That proposed building furthest, causing MN to buy, why is it in the buffer zone? MN: Some of that was aesthetic, and it would not completely take it out and there were concerns with builder going around the existing chimney.

The public had no questions, comments and concerns.

--Motion (DB); 2<sup>nd</sup> (SH) to close the public hearing. Motion (DB); 2<sup>nd</sup> (SH); Approve the current plan and conditions detailed for the letter permit. Negative determination 3 and under MA WPA, and a Positive 5. **Vote: AIF (4:0).**

- 7:00 **Notice of Intent; DEP File#300-1018; Continued from 6/7/18;** Douty Road and Stallion Hill Rd.; O'Connell, P.; represented by Bertin Engineering, Inc.; Construction of sewer line application project.

No revisions to the plan. *Continued to our next meeting Thursday July 19<sup>th</sup>.* EG made a motion, all in favor of allowing a continuation. **VOTE: AIF (4-0).**

- 7:15 **Request for Determination of Applicability;** 440 Main Street; Shevory, P.; represented by Bertin Engineering, Inc.; Proposed Child Day Care Facility.

-PS: Looking for approval to put up a fence for a playground. We are proposing to remove asphalt and plan to put up a stockade fence with woodchips on the ground. Away from the perennial stream and wetlands. Bertin Engineering went out and conducted a quick site plan, so we would have resources shown and anything cleared out of there will be removed from the property. The fence will have metal posts and there will be no equipment used.

The Board had the following questions, comments and concerns:

- RG: Do you need to maintain vegetation on the edge of the fence? PS: Just enough to walk back and clean with weed whacker.
- RG: Gap underneath for animal migration? Do not advise requiring here. DB: there are animals living in the area behind that property, therefore should have the fence flush to the ground to keep out.
- EG: Safety for children, keep the wildlife out with fence (SH).

The public had the following questions, comments and concerns:

- None

--Motion (DB); 2<sup>nd</sup> (SH) to close the public hearing. Motion (DB); 2<sup>nd</sup> (PZ); Give a Negative determination 3 and 5 under MA WPA, and a Positive 5 and have RG work on the conditons for this site, **Vote: AIF (4:0).**

- 7:30 **Abbreviated Notice of Resource Area Delineation; DEP File#300-1017; Continued from 6/7/18;** 14 & 50 Douty Road; P. O'Connell; represented by Bertin Engineering, Inc.; Confirming the extent of wetland resource areas.

*Continued to Thursday July 19<sup>th</sup>.*

#### Letter Permits

- Wetland Letter Permit Application: 50 Hall Road, Watson, P., Stump grinding, soil removal/grading for driveway, concrete and bollard installations. RG will write conditions. DB suggested to use stone versus grass for the water puddle at the end of Hall Road (46) **VOTE: AIF (4-0).**
- Wetland Letter Permit Application: 173 Cedar St., Alden, T., Installation of driveway lights. **VOTE: AIF (4-0).**
- Tree Removal Permit Application: 133 Walker Pond Rd., Banks, E., Removal of approx. 20 trees. No trees past the last segment not approved closer to the brook, and further conditions. **VOTE: AIF (4-0).**
- Tree Removal Permit Application: 27 Bennetts Rd, Donahue, P. Dead Red Maple. **VOTE: AIF (4-0).**
- Tree Removal Permit Application: 29 Bennetts Rd, Wojnar, M.; Dead Hemlock.

**VOTE: AIF (4-0).**Old Business

- Letter of Support – Open Space and Recreation Plan 2018 *Signed*.

Signatures

## Request for Certificate of Compliance

- **DEP #300-0914; 187 Lake Road; Roy, C.**  
LJ stated that an existing garage went in. There were a few concerns with trees that were not replanted. DB: made a motion to not approve without a changing the plan 2<sup>nd</sup> by PZ and SH. *Not signed*.
- **DEP #300-0939; 189 Lake Road; Roy, C.**  
RG: White pine was not planted; however, additional evergreens were as a border from neighbor and drip strips going up the side. The walkway was not installed, but there is crushed stone. There were a few changes of the plants. There is the 36-inch oak by the fire pit, the tree is dead. Been affected by the gypsy moths and drought conditions. They would like to remove and grind it down, potentially plant another tree there. RG made a recommendation to remove the dead tree. Otherwise, not many concerns. AIF of approving this as an as built plan. Separate application to be submitted for the tree removal. **VOTE: (3-1).** *DB did not sign*.
- **DEP #300-0799; 88 Westwood Drive; Nawrot, B.**  
LJ this plan was done six years ago. The site was inspected recently. There is no soil erosion that is there, the lot is considered pristine, however, it is in accordance with the intent of the plan and there are drip edges, 17 blueberry bushes were not planted and 1 tree not planted. Some clearing observed within forested side yard. All in favor of giving a COC, **VOTE: (0-4).** All opposed, **VOTE: (4-0).** *Not signed*.
- **DEP#300-0922; 136 Lake Road; Gran, B.**  
LJ: The plan was as submitted; the only thing missing was the rain garden. Will be continued, the Commission will conduct a site visit. **VOTE: (0-4).** *Not signed*.
- **DEP#300-0645; 117 McGilpin Road; DeRose, C.**  
Intend to put a garage as noted in their original plan (future). The OOCs were still open on the project; therefore, we will be closing these out. They will come back with a filing for their garage. *Signed*.
- **DEP#300-471; 20 Audubon Rd; Partial Certification; Moss, R.**  
Partial CoC because it is for a whole subdivision. There are multiple areas of development on the whole site. We do not give partials on single lots for partially completed projects. *Signed*.
- **DEP#300-888; One Hare Road; Bluewave Capital LLC.**  
This project needs to be closed out, because both projects cannot be open, due to an overlap of work. *Signed* by EG, SH and PZ **VOTE: (3-1)** *DB did not sign*.
- **DEP#300-899; 57 Beach Ave; Roche & Wrenn PC**  
Partial CoC because it is for DPW road work on multiple properties. *Signed*.

## Orders of Conditions

- DEP#300-1016; 139 & 140 Lake Road; Radner, J.  
No questions/comments. *Signed*. **VOTE: (3-1)** *(DB opposed)*.
- DEP#300-1007; George Vinton Road; BWC Origination 8 LLC  
*Not ready to be signed. Waiting on revised impact calculations.*

Forest Cutting Plans

- 205B, Podunk Turnpike; Jennings, B.  
*No action will be taken. Not moving forward at the moment.*
- Route 15, Silvertree Realty LLC.  
Approved by DCR. DCR forester communication has been on site. Good job with sample marking area. *Planning to take a site visit*

*Approval of Minutes:* June 7<sup>th</sup>, 2018 will wait for approval at next meeting (Thursday, July 19<sup>th</sup>).

#### New business

#### *Informal Discussions:*

#### **EBI Consulting: I-90, 50 gallons of diesel spill**

-Asking The Commission for an emergency authorization to come in and remove some trees for access to dig out about six inches of the top soil, load it up, take it out, be treated, etc. They have submitted information, taken 12 soil samples from the release area. Proposing the primary release area measures 12 feet by 37 feet long, 6 inches of top soil.

#### Board had the following questions, comments and concerns:

- SH: Where did the 50 gallons go?
- RG: Some cleanup done immediately (booms installed). Would DEP be making these requirements? SH: Those already exist.
- SH: Follow the MASS response plan.
- EG: Give them approval and follow the MA response plan. CC us when they do the before and after (final) report. (SH: This is courtesy to us).
- SH: Call DEP, follow DEP instructions and give us updates.

#### **13 Adams Rd.**

- RG presented informally on behalf of property owner. The applicant wants to put in a retaining wall. If they want to move forward, they will have to apply and go through the process. Asking for a little more feedback.
- RG: RDA for Chapter 91 licensing to see if you can do it, habitat evaluation likely required under WPA.

#### **Third party review proposal for the ANRAD Douty Road Project**

- Conservation Agent RG will ask Bertin Engineering to provide one more additional qualified third party reviewer as requested by con com.

Motion (SH); 2<sup>nd</sup> (PZ) to adjourn the meeting at 9:19 PM.