

Sturbridge Conservation Commission

Tuesday, June 16, 2020

Meeting Minutes

Approved July 7, 2020

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.

5:30 PM Open Meeting – Quorum check – Quorum Confirmed; All in Attendance

5:35 27 Ladd Road –Town of Sturbridge, by and through its Conservation Commission v. 508 International, LLC, Ann M. Sellew and Brent W. Sellew Civil Action No. 1985CV01470

E. Goodwin read the Executive Session Statement:

The Commission will enter Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. Litigation involving an Enforcement Order issued by the Conservation Commission relative to unpermitted activities which occurred at the property located at 27 Ladd Road, and the Chair so declares that having a discussion in open session would have a detrimental effect on the Town's litigating position.

S. Chidester recused himself from Executive Session due a Conflict of Interest.

On motion of S. Halterman, seconded by D. Barnicle, the Commission entered into Executive Session.
Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.

On motion of D. Barnicle, seconded by S. Halterman, the Commission adjourned Executive Session and returned to Open Session at 6:00pm. Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.

The following action was taken during Executive Session:

By consensus vote the Commission approved July 14, 2020 as the deadline for the applicant to file ____ for 27 Ladd Road and 207 __ & __, or further action will be taken. Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.

Committee Updates:

CPA – E. Goodwin reported that there had been to CPA meeting since last SCC meeting.

Trail Committee – D. Barnicle advised the Commission and public that the next meeting is scheduled for tomorrow.

Open Space Committee – No report.
Lakes Advisory Committee – No Report.

E. Goodwin read the Public Hearing statement.

R. Gendreau advised the Commission that S. Halterman has submitted an executed Mullin form and is able to take action on items from the June 2nd meeting.

Approval of minutes:

On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the May 19, 2020 meeting by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the minutes of the June 2, 2020 meeting by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Halterman), 0-absent.

Walk-ins

DEP File #300-739; D. Taft joined the meeting on behalf of the Hamilton Rod and Gun Club who is seeking a minor amendment and extension for the OOC's for DEP File #300-739. The minor amendment is a request to add a new herbicide, ProcellaCor, for aquatic management to the OOC. They also requested a 3-year extension to the permit for aquatic management.

HRGC: D. Taft advised the Commission of the benefits of ProcellaCor.

Commission: The Commission is aware of ProcellaCor's benefits having approved the use of ProcellaCor for other town lakes/ponds earlier this year.

ACTION: On motion of E. Goodwin the Commission approved a 3-year extension for DEP File #300-739 for aquatic management by consensus vote to allow applicant to revise filing. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

ACTION: On motion of E. Goodwin the Commission approved the minor amendment to DEP File #300-739 for the inclusion of ProcellaCor, as an herbicide for aquatic management by consensus vote to allow applicant to revise filing. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

Public Hearings

6:15 1 Adams Road – Request for Determination of Applicability; D. McGuill, Owner;
Construction of a detached 3-car garage to existing single family house and associated site work.

Documents: Site Plan

Property owner, D. McGuill, appeared before the Commission seeking permission for the construction of a detached 3-car garage. He advised the Commission that the original plan called for the removal of two trees, but at the site inspection the Commission indicated that they would like the trees to remain and he is agreeable to that.

Agent: R. Gendreau advised the Commission that she believes the location of the proposed garage is the best spot on the lot for the garage. She stated that the garage will be outside the 100 foot buffer zone and only some small trees will be lost. She added that tree replacement would not be necessary due to the size of the trees being removed and number of remaining trees on the lot. She recommended approval of the plan and determination of +5 and -4.

ACTION: On motion of D. Barnicle, 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 construction of a detached 3-car garage (two trees requested to be removed were not approved) by Letter Permit with a +5 and -4 determination of applicability. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

6:30 400 Haynes Street – Notice of Intent; DEP File #300-1063; Continued from June 2, 2020; B. Aslup of Pilot Travel Center, LLC, Applicant; A. Roscoe of Corestates Group, Representative; Commercial redevelopment to include: demolition of the travel center, the convenience store and the fuel pumping facilities and the construction of a new travel center, parking lot and fuel pumping facilities.

Documents: Revised Site Plans

Agent: R. Gendreau provided a recap for the Commission. She advised them that the 3rd Party Stormwater Review approved and awarded at the last meeting being conducted at this time. A. Roscoe, representative, advised the Commission that they have worked to revise plans to address the comments made by the Commission at the last meeting. He added that upon issuing the DEP File Number, DEP had some comments as well that they will be addressing. The Stormwater Maintenance Plan is still forthcoming. Some of the items of concern currently being addressed include: 1) Relocation of stormwater basin, 2) working on utilities; submitting a plan for an added septic tank for the travel center, 3) working with DOT on adjustments including addition of a 3rd driveway, 4) adding a riverfront zone to the drawings, 5) development of stormwater management/maintenance plan. A. Roscoe advised the Commission that the stormwater management system already includes high standards due to the use of fuel at the site and the high potential for hazard, however they added oil sceptors where there were none. These are designed to capture first flush of stormwater which is where most of the pollutants are found.

Agent: R. Gendreau advised the Commission that a Stormwater Maintenance Plan is still to come. She asked the applicant about a fire suppression system; what will be needed for that. R. Roscoe advised Agent that a fire suppression system is anticipated and will update her as he has that information.

Commission: D. Barnicle reiterated the Commission's concern regarding dumping by the truck drivers. He thought the Commission should identify where the boulders will be placed to prevent dumping. B. Aslup commented that the position of the boulders will need to be in such a way that trucks will be able to park. He will do his best to satisfy the Commission and parking ability. S. Halterman asked about the stormwater operation / maintenance plan. He was advised by the applicant that they are working on that plan and it will be an all-inclusive document addressing the stormwater management system, sweeping etc.

ACTION: The public hearing was continued to July 7th at 8:15pm by consensus vote: 5-yes, 0-no, 0-abstain, 0-absent.

6:45 6 & 8 Picker Road – Request for Determination of Applicability; Continued from June 2, 2020; New England Cold Storage LLC, Applicant; G. Krevosky, EBT Environmental Consultants, Representative; for the construction of a temporary access road at 6 & 8 Picker Road.

Documents: Revised site plan

G. Krevosky advised the Commission that the revised site plan moves the temporary access from 8 Picker to 6 Picker. Road will be a temporary access road until permanent access (separate NOI for 6 Picker Road has been filed for this) is constructed.

Agent: R. Gendreau advised the Commission that the nature of this project requires an NOI. G. Krevosky stated that he will amend the NOI for 6 Picker Road to include the temporary access road.

ACTION: On motion of D. Barnicle, 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 E. Gaspar, the Commission made a determination of +4 (work is within a buffer zone and requires an NOI), +5 and +2B. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:00 6 Picker Road – Notice of Intent; DEP File #300-1062; Continued from June 2, 2020; New England Cold Storage LLC, Applicant; G. Krevosky, EBT Environmental Consultants, Representative; for the construction of a wetland crossing and commercial site infrastructure.

Documents: Site Plan

Agent: R. Gendreau provided a summary to date for the project. She reminded the Commission that CMG had been approved as the Peer reviewer for stormwater management. She stated further that she had received and distributed proposals for Wetland Scientist Peer Review to the Commissioners for review and award this evening. She advised the Applicant/Representative that they should start working to address items DEP commented on when issuing the file number.

G. Krevosky asked for a continuance so that he can amend the NOI to include the temporary access road for 6 Picker Road.

ACTION: On motion of D. Barnicle, seconded by S. Chidester, the Commission awarded the contract for Wetland Scientist Peer Review to Ecotec. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.** The applicant requested a continuance to revise the NOI to include the temporary access road. On motion of E. Goodwin, the Commission continued the public hearing to July 7th at 8:30pm by consensus vote. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

7:15 130 & 140 Fiske Hill Road; Request for Determination of Applicability; *Continued from June 2, 2020;* Goulas, G., Allsworth LLC; Represented by G. Krevosky of EBT Environmental Consultants, Inc.

Documents: Site Plan

G. Krevosky appeared before the Commission on behalf of the applicant seeking the confirmation of the flagging / bank line on the site plan.

Agent: Advised the Commission that she has walked the site and confirmed the boundaries as shown on the bank.

ACTION: On motion of D. Barnicle, 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 S. Halterman, the Commission made a determination of +2A (confirming the bank delineation as shown on the plan). **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

7:30 27 Ladd Road; Notice of Intent; DEP File #300-1056; *Continued from June 2, 2020;* R. Jennings, 508 International, Applicant; A. Sellew, Owner; O'Neil, Representative; Replacement of decking on existing telephone pole bridge.

Agent: R. Gendreau advised the Commission that she received a written request for a continuance.

ACTION: On motion of D. Barnicle, seconded by E. Gaspar, the Commission continued the public hearing to July 7th at 8:45pm. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Old Business

- **Oxbow Associates Report: MA DOT Turnpike - Enforcement Order:** R. Ricard of Cedar Lake Association joined the meeting to discuss the Oxbow Associates Report/findings. All agreed that report reveals there are still items that need to be addressed, and feel a follow up review by Oxbow after work is completed is advisable.
- **DEP File #300-1021; 30 River Road - Enforcement Order; Third Party Review Proposals:** R. Gendreau advised the Commission that she has received a draft plan of the stormwater improvements and a narrative of the plan. C. Brodeur, Lenard Engineering, S. Morrison, P. Morreau, J. Pioppi, joined the meeting for the applicant. A discussion of the revised plan ensued. One change noted was the location of the pickleball court. The Commission liked the new location but advised the applicant that the old location should be restored to a vegetated area not turned into a parking lot. They added that the new plan seems to require additional trees to be removed and advised the applicant that any additional tree removal must come before the Commission for approval prior to any trees being removed.

Agent: R. Gendreau provide the Commission with 3rd Party Review proposals for Stormwater Plan review. **ACTION:** On motion of D. Barnicle the Commission awarded the contract for 3rd Party Stormwater Plan Review to Interfluve by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

- **118 Leadmine Lane Cease and Desist:** Property owner, G. Kellehar appeared before the Commission. He has submitted a preliminary plan to address the Commissions concerns. He is seeking to have the cease & desist lifted to perform a perc test.

Agent: R. Gendreau advised the Commission that she has received preliminary plan which includes relocated garage and alternate driveway plan in red. The plan reveals heavy forest disturbance. She advised the Commission that he is seeking permission to do a perc test to determine location for septic and house. She added that he needs to perform a perc test to see if the lot is even viable for the construction of a house. She reminded G. Kellehar that he was instructed to retain a wetland scientist to review the site and mark/delineate the wetlands.

Commission: The Commission advised the owner that they prefer not to approve a wetland crossing when there is an alternative. They added that the lower land house and parking area also need to be addressed. There also appears to be a lot of landscape restoration that will need to be performed.

ACTION: On motion of D. Barnicle, seconded by S. Chidester, the Commission stayed the cease & desist order. They advised G. Kellehar that no perc testing will be approved until he secures a wetland scientist to review the site and a report from said scientist is provided to and reviewed by the Commission. Vote: 3-yes (Goodwin, Barnicle, Chidester), 2-no (Gaspar, Halterman), 0-abstain, 0-absent.

Minor Amendments to Permits

- **OOCs: DEP File # 300-734; QQLA, South Pond:** C. Neilson, ESS Group joined the meeting on behalf of Quaboag and Quacumquasit Lake Association (QQLA) who is seeking a minor amendment OOC's for DEP File #300-734. The minor amendment is a request to add two new herbicides, ProcellaCor and Clipper, for aquatic management to the OOC. He advised the Commission of the benefits of ProcellaCor and Clipper.

Commission: The Commission is aware of ProcellaCor's benefits having approved the use of ProcellaCor for other town lakes/ponds earlier this year.

ACTION: On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the addition of the herbicides Clipper and ProcellaCOR to the OOC's for DEP File #300-734 for aquatic management. Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.

- **OOCs: DEP File #300-739; Hamilton Rod and Gun Club:** Discussed under Walk-Ins.
- **SCC#19-42; 13 Old Hamilton Road:** Applicant previously received a permit to take down 7 of 9 requested trees. Applicant seeking to amend the trees to include the removal of 3 of the original 9 trees. **Action:** Commission revisited the site and approved the removal of the 3 requested trees identified as #1, #6 and #8 from the original request. Consensus vote: 5-yes, 0-no, 0-abstain, 0-absent.

Permit Extension Request

OOCs: DEP File #300-739; Hamilton Rod and Gun Club: Discussed under Walk-Ins.

Correspondence

Request letter regarding 508 International, LLC Notice of Intent: Continued to July 7th.

New Business

Enforcement

Request for Certificate of Compliance

Letter Permits

Forest Cutting Plans

Emergency Certifications

Open Space Update

Agent Report

Site visit schedule: June 29th at 10AM.

Adjourn:

On motion of S. Chidester, seconded by E. Gaspar, the Commission adjourned at 9:35pm. All in favor.

The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.