

# **Sturbridge Conservation Commission**

Tuesday, August 4, 2020

Meeting Minutes

Approved August 18, 2020

**\*\*Virtual Meeting\*\***

## **E. Goodwin read the virtual/public meeting announcement 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.

## **E. Goodwin read the public hearing announcement.**

6:00 PM          Open Meeting – Quorum confirmed by Chairman E. Goodwin; all in attendance.

### **Committee Updates:**

- CPA: No Report.
- Trail Committee: D. Barnicle reported that the most recent Trails Committee meeting was held on July 15<sup>th</sup>. The committee worked on signage and trail marking. More people than anticipated attended.
- Open Space Committee: No Report.
- Lakes Advisory Committee: No Report.

### **Approval of minutes:**

On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the minutes of the July 7, 2020 meeting.

### **Walk-ins:**

No Walk-ins

### **Public Hearings**

**6:15    159 Walker Pond Road - Notice of Intent; DEP File #300-1065; *Continued from July 7, 2020*; J. Straub, MA Department of Conservation and Recreation, Applicant; A. Patterson, ESS Group, Inc., Representative; Walker Pond Beach Maintenance.**

Mr. A. Patterson, ESS Group, appeared before the Commission as the representative for the project.

**Agent:** R. Gendreau advised the Commission that the DEP file number and comments from NHESP had been received since the last meeting. She informed the members that the work is within bordering land subject to flooding, RA and buffer zone, but does not expand the existing beach area. Application states that the project will not impact bordering land subject to flooding. Work will remove the existing sand/grass and replace it with clean sand. The Commission was also advised that NHESP provided comments on the project and the project must be conditioned to avoid adverse impact to the wetland resource area including conditions for a vertebrate protection plan and the exclusion of use of mesh. R. Gendreau recommended approval.

**Public:** No public comment.

**ACTION:** On motion of S. Chidester, 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 S. Halterman, the Commission approved the Notice of Intent for DEP File #300-1065 at 159 Walker Pond /Walker Pond Beach for beach maintenance with the Orders of Conditions to include conditions from Natural Heritage and the SCC general conditions. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

**6:30 400 Haynes Street – Notice of Intent; DEP File #300-1063; Continued from July 7, 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.

B. Aslup, Pilot Travel Centers, and A. Roscoe, Core States Group, appeared before the Commission seeking approval for their commercial redevelopment project as detailed above.

**Agent:** R. Gendreau informed the Commission that the outstanding items discussed at the last meeting have been addressed (gate and stormwater plan). She added that the Planning Board has already approved the project. The only remaining item is the replanting plan for the site. Once submitted, R. Gendreau will review and scout the sight for locations for the plants/trees. R. Gendreau recommended approval of the project.

**Commission:** D. Barnicle advised the applicant to include protective devices around the trees to prevent beaver damage.

**Public:** No public comment.

**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 S. Halterman, the Commission approved the Notice of Intent for DEP File #300-1063 for the commercial redevelopment of 400 Haynes Road / Pilot Travel Center as shown on most recent plan with SCC general conditions. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

**6:45 6 Picker Road – Notice of Intent; DEP File #300-1062; Continued from July 7, 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, Storm Water Plan

G. Krevosky, EBT Environmental Consultants, and A. Baum, Summit Engineering represented the Applicant at the public hearing.

**Agent:** R. Gendreau advised the Commission that revised plans and materials have been received for the project, including an alternative analysis. She added that the initial stormwater peer review has been completed and response comments received. She is waiting for the peer review comments on the revised plans. Peer reviewer does not anticipate any major concerns and expressed project appears to be meeting standards. Regarding the Wetland Permitting Peer Review, R. Gendreau stated that the revised plans primarily address his initial review concerns and while he has not had a chance to review the most recent revisions, he stated that the project could be approved at the Commission's discretion.

**Applicant:** G. Krevosky advised the Commission that he is working on the landscape restoration plan for revegetation of the buffer zone. He added that the plan is a 2:1 restoration plan, with native trees and plants (only bushes on the slope). A. Baum informed the Commission that the location of the crossing was chosen as it has the least impact on the wetland. The proposed access road will be 30 feet wide. The crossing calls for the use of an arched pre-cast aluminum arch as it incurs less disturbance during installation than concrete. Lastly, the Applicant addressed the Alternative Analysis for the project. Four different site access points were considered/reviewed by the applicant. EcoTec reviewed the alternatives and agreed that the proposed access is the best option.

**Agent:** R. Gendreau advised the Commission that it appears that permitting standards can be met and the project under the WPA. However, the project will require a waiver for the "no new structure 50-foot setback and no disturb 25-foot no disturb setback" under the local bylaw. She added that the project appears to meet the other performance standards. The Commission can grant a waiver if the applicant has documented that there are no other alternatives, they have worked to avoid /minimize impacts to the greatest extent practicable, and can provide mitigation. Additionally, the local bylaw regulates self-imposed hardships on sites. While the lots at the site were divided after this bylaw regulations were in place, the applicant was not creator of the hardship. The current property owner/seller is the person that subdivided the lots. At the time of the subdivision, the Town was working with the owner to classify the lots as "priority development sites". Town staff, including Conservation, reviewed the sites and recommended inclusion of this lot. Conservation noted the requirement of a wetland crossing post subdivision but no mention of creating a hardship was noted.

**Commission:** E. Gaspar stated that Sturbridge wants to develop the site as it is designated a priority development site and the Applicant has submitted a good plan taking the wetland impact into consideration. The other Commissioners expressed their agreement. Commissioners noted that the Stormwater Plan had just been submitted and the members and peer reviewer had no time to review the plans.

**Public:** No public comments.

**ACTION:** The public hearing was continued to August 18, 2020 at 7:15pm by consensus vote to allow for review of the storm water plan. **Vote:** 5-yes, 0-no, 0-abstain, 0-absent.

**7:00 8 Picker Road – Notice of Intent; DEP File #300-1066; Continued from July 7, 2020;** New England Cold Storage LLC, Applicant; G. Krevosky, EBT Environmental Consultants, Representative; for the construction of a temporary access road originating from 8 Picker Road and extending onto 6 Picker Road.

Documents: Revised Site Plans

B. Panis, Arco, C. Bailey, New England Cold Storage, and G. Krevosky, EBT Environmental Consultants appeared before the Commission seeking approval for the above referenced project.

**Applicant:** Due to the time it will take to construct the permanent access road on 6 Picker Road for the New England Cold Storage project, the applicant is seeking permission to construct a temporary access to 6 Picker Road from 8 Picker Road. The temporary access is estimated to be needed for 2-3 months. Applicant will restore the disturbed areas / put it back as it was before the project.

**Agent:** The agent informed the Commission that the applicant has revised the original plan to take the Peer Reviewers original comments into account. R. Gendreau added that the first plan submitted called for restoration by seed and loam. She asked the applicant to enhance the restoration plan and is pleased to see they have done so. She recommended that the applicant evaluate the current status of the culvert under the driveway, which was built in the 1980's, to determine if it is sufficient to handle the truck traffic. She advised the members that the plan states millings will be used on the temporary access to increase stability and suggested the **Commission** evaluate if they have a concern with the use of millings on the site. The agent also suggested that additional BMP's may be necessary to mitigate the project as there is a stream and BVW there. R. Gendreau informed the Commission that if the site is maintained during construction and will be restored properly after completion then the Commission could consider approving the project. She added that she recommends an independent environmental monitor for the upland restoration areas for two years. Lastly, R. Gendreau informed the Commission that this is a buffer zone only project. The applicant has an alternative – to wait and construct the permanent crossing however time is of the essence. Provided the plan is implemented as proposed and the area is restored, the peer reviewer's opinion is that the revised plan is appropriate to mitigate for the impacts of the temporary crossing. R. Gendreau agrees.

**Applicant:** The Applicant advised the Commission that they have already confirmed that the culvert under the roadway can handle the truck traffic. They do not intend to use asphalt millings on the site, the milling referred to in the plan are actually crushed stone.

**Public:** No public comment.

**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 E. Gaspar, seconded by S. Halterman, the Commission approved the project as presented with conditions including: Standard Pre-construction/During Construction/ Post-construction and On-going conditions, independent and SWIP monitoring, no asphalt use, additional BMP's to protect culvert and front area of 8 Picker Road, added trucking conditions, restoration planting monitor requirement of 2-years, temporary stabilization of land over winter until restoration planting can be completed. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

**7:15 27 Ladd Road; Notice of Intent; DEP File #300-1056; Continued from July 7, 2020;** R. Jennings, 508 International, Applicant; A. Sellew, Owner; O'Neil, Representative; Replacement of decking on existing telephone pole bridge.

S. Chidester recused himself from the public hearing due to conflict of interest.

D. O'Neil, Barrister & O'Neil; G. Krevosky, EBT Environmental Consultants, A. Baum, Summit Engineering were in attendance to represent the applicant at the hearing.

**Agent:** R. Gendreau provided a summary of the hearing to date. She reminded the Commission that at the March 3, 2020 a decision was agreed upon to keep 27 Ladd as a separate filing from 205 B & C Podunk Road. At that meeting the Applicant requested to continue the public hearing to allow them time to revise the filing to include all of the work on 27 Ladd (bridge, trails, full delineation). Due to Covid the March 17 through April 21 meetings were canceled, however since meetings resumed on May 5, no revised plans have been received and the hearing has been continued at each subsequent meeting through today.

**Applicant:** D. O'Neil stated that detailed plans have been submitted for 205 B & C Podunk road by the applicant and felt the Commission was negating the amount of work they had done for that site.

**Agent:** advised the Applicant that 205 B & C is a separate NOI filing and the revised plans for 27 Ladd are still outstanding. She added that the bridge specs on the existing plan do not even meet standards.

**Public:** S. Chidester, Abutter, addressed the Commission as a concerned citizen. He stated that 508 International is overall a large commercial entity. Adding that the authorization they received from DEP for the site did not include any trails in Sturbridge. He requested on behalf of a group of citizens that signed a petition, that the Conservation Commission request MEPA and DEP set up a listening session with them to discuss action the citizens would like take regarding 508 International use of land. Items to be address as stated in the petition include but are not limited to: 1) 508 Intl. was instructed by DEP not to segment projects to build an larger overall site; 2) seek a 3<sup>rd</sup> party review of the work.

**Public:** No public comments.

**Commission:** While the Commission felt they had provided the Applicant with sufficient time to submit the revised filing/plan, they advised the Applicant they were continuing the hearing and informed the applicant that they are to submit a revised filing and plan that includes the bridge structure, trails and full delineation of the site for 27 Ladd Road prior to and in a timely manner so as to be reviewed by the Agent and Commission before the hearing for discussion at the hearing on August 18, 2020.

**ACTION:** The public hearing was continued to August 18, 2020 at 7:30pm by consensus vote and the Applicant was advised that they are to revise the filing to include at items indicated above. **Vote:** 3-yes, 1-no (Barnicle), 1-abstain (Chidester), 0-absent.

**S. Chidester assumed control of the meeting as Chairman E. Goodwin experienced a power outage due to a storm. E. Goodwin was absent from the remainder of the meeting.**

**7:30 205B and 205C Podunk Pike; Notice of Intent; DEP File #300-TBA; R. Jennings, 508 International, Applicant/Owner; Brant and Iris Jennings, Owner; D. O'Neil, Representative; Development of Recreational Trails.**

S. Chidester recused himself from the public hearing due to a conflict of interest. E. Goodwin was absent from the hearing due to a power outage.

Documents: Site Plan

D. O'Neil, Barrister & O'Neil; G. Krevosky, EBT Environmental Consultants, A. Baum, Summit Engineering were in attendance to represent the applicant at the hearing.

**Agent:** R. Gendreau advised the Commission that no DEP file number has been received to date, the proof of legal ad and abutter notification have been received.

**Applicant:** A. Baum reported that there are two trail networks on the site. They have submitted a plan that superimposes G. Krevosky's flagging over the trails plan the show where the trails impact the resource areas. The Applicant plans to move the trails outside the no disturb 25 foot buffer zone and remediate the disturbed areas.

**Agent:** R. Gendreau informed the Commission that the current plan does not show any re-routing of trails to move them out of the wetlands. She also stated that some wetland lines appear to be missing. She advised the Applicant to submit plans on a smaller scale and to check the wetland line on the plan adding those that are missing. She recommended a continuation as no DEP file number has been received.

**Public:** No comment.

**ACTION:** The public hearing was continued to August 18, 2020 at 7:45pm by consensus vote. **Vote:** 3-yes, 0-no, 1-abstain (Chidester), 1-absent (Goodwin).

**7:45 104 Westwood Drive – Request for Determination of Applicability;** S. Hennigan, Applicant; Replacement and expansion of existing deck, addition of stairs and walkway.

Documents: Site Plan

**Agent:** R. Gendreau advised the Commission that the project is outside the 25 foot BZ and inside the 50 foot BZ, however it is a deck and meets the setbacks. She recommends approval with a determination of +2B, -3 with conditions, and + 5 with conditions.

**Public:** No public comment.

**ACTION:** On motion of E. Gaspar, seconded by D. Barnicle, the Commission closed the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Determination of Applicability for with a +2B, -3 (w/conditions), +5 (w/conditions) at 104 Westwood Drive for the construction of a deck with walkway as shown on plan. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

**8:00 227 Podunk Road – Sturbridge Wetland Bylaw Notice of Intent;** D. Brunelle, AH & DB Custom Homes, Inc., Applicant/Owner; M. DiPinto, Three Oaks Environmental, Representative; Construction of a single family home with septic system and associated site work.

Documents: Site Plan

D. Brunelle, AH & DB Custom Homes; and M. DiPinto, Three Oaks Environmental were in attendance seeking approval for the construction of a single family home with septic system located at 227 Podunk Road.

**Agent:** R. Gendreau advised the Commission that this NOI falls under local bylaw only. She added that only work within jurisdiction is the septic system and all work is within an existing field. Agent stated she has no concerns with approval of the project with determination of +2B, +3 with conditions, +5. Any additional work including change of use will require additional review and approval.

**Public:** No public comments.

**ACTION:** On motion of D. Barnicle, seconded by S. Halterman the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Sturbridge Wetland Bylaw Notice of Intent as shown on plan for 227 Podunk Road with a determination of +2B, -3 with conditions, +5. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

**8:15 100 Charlton Rd. /Hobbs Brook – Request for Determination of Applicability;** CIM Group – VEREIT MT Sturbridge MA, LLC, Applicant; J. Panter, Kimley-Horn and Associates, Representative; Paving Improvements.

Documents: Site Plan

J. Panter, Kimley-Horn appeared on behalf of the Applicant.

**Agent:** R. Gendreau advised the Commission that this was a mill and paving overlay project for the area 1 of the parking lot at the Center at Hobbs Brook (adjacent to Staples, Mattress Firm, Game Stop and Verizon). She did note a wetland is located behind Uno's. The proposed project will match all existing pavement layout and markings. BMPs (silt fence, inlet protection, stockpiles designated in lot with erosion controls around them) will be in place to protect resource areas during work. She recommends approval with conditions (erosion controls, silt sacks, removal and proper disposal of all milled and excavated material from site) and determination of +2B, -3 with conditions, +5.

**Public:** No public comments.

**ACTION:** On motion of D. Barnicle, seconded by E. Gaspar, the Commission closed the public hearing. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Determination of Applicability with a +2B, -3, +5 (w/conditions) as shown on plan (Area 1 only) with conditions detailed by the Agent. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

**8:30 44 Camp Rd – Request for Determination of Applicability;** B. Brunell, Applicant; J. Levesque III, Representative; Home Addition and associated site work.

Documents: Site Plan

B. Brunell appeared before the Commission seeking approval for a home addition with associated site work.

**Agent:** R. Gendreau informed the Commission that the house addition is outside the buffer zone and within an existing yard. One dead Oak to be removed is at the 100 foot line and two large Pines are within the 150 to 175 foot line. Agent stated that the Oak is on property line with Army Corp of Engineers, Applicant is responsible to contact ACOE to determine whose land tree is on. The shoreline and remainder of the site are well vegetated. Agent recommends approval with conditions for erosion control and excavated materials.

**Public:** No public comments.

**ACTION:** On motion of S. Halterman, seconded by E. Gaspar, the Commission closed the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Determination of Applicability with a +2B, +5, -1 for home addition and associated site work as shown on plan. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)

**8:45 112 Westwood Drive – Request for Determination of Applicability;** D. Wildgrube, Applicant; Retaining wall demolition and replacement.  
Documents: Site Plan

D. Wildgrube was present for the hearing seeking approval for the repair/replacement of two retaining walls.

**Agent:** R. Gendreau advised the Commission that the retaining walls are beginning to fail. The work is outside the 50 foot buffer zone. She suggested the inclusion of a small stone swale area on the side to help disperse water before it heads to the lake. She recommends approval of the project with erosion control conditions and determination of +2B, -3 with conditions, and +5.

**Public:** No public comment.

**Commission:** D. Barnicle noted a drainage pipe on the property. The Applicant commented that the pipe leads from the road to the lake. In the area where the pipe lets out crushed stone was noted. R. Gendreau stated that it is a town owned road and she will look into it with DPW.

**ACTION:** On motion of D. Barnicle, seconded by E. Gaspar, the Commission closed the public hearing. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin). On motion of D. Barnicle, seconded by S. Halterman, the Commission approved the Determination of Applicability with a +2B, -3 (w/conditions), +5 for the retaining wall replacement project at 112 Westwood Drive as shown on plan plus addition of small swale along the side to help disperse water. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

**9:00 12 Tantasqua Shore Rd – Request for Determination of Applicability;** S. Santangelo, Applicant; Elevation of home and replacement of foundation.

Documents: Site Plan

S. Santangelo appeared before the Commission seeking approval for the elevation of his home and replacement of foundation.

**Agent:** The Commission was advised by the Agent that the project includes a lifts of the house due to foundation issues. House to be raised in place with jacks and the foundation replaced. They will not know whether the foundation will be block or poured until house is lifted. The project is a minor disturbance within an existing yard. The project is within a priority habitat



area but the work is exempt. The project also includes the removal of two dead hemlock trees. Agent recommends approval with a determination of +2B, -3 with conditions, +5, and the addition of erosion controls at the limit of work.

**Public:** No public comments.

**ACTION:** On motion of S. Halterman, seconded by E. Gaspar, the Commission closed the public hearing. **Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).** On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Determination of Applicability with a +2B, -3 (w/conditions), +5 for the home elevation and foundation replacement at 12 Tantasqua Shore Road as shown on plan. **Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)**

**9:15 70 Westwood Drive – Request for Amendment DEP File #300-1035;** J. Wages, Applicant; Modify limit/scope of work to include deck/patio/shoreline work.

**S. Halterman recused himself from this public hearing.**

Documents: Site Plan

J. Wages appeared before the Commission seeking approval for an amendment to the Orders of Conditions /DEP File #300-1035 for 70 Westwood Drive per the plans submitted.

**Agent:** R. Gendreau advised the Commission that this is an amendment request for modifications to an existing permit. She has received some added information and renderings regarding the shoreline work. Project was approved last year and applicant is seeking to modify shoreline work and perform that work first and home second. Items to be executed and/or modified from the original Jalbert plot plan (Rev 4 dated 10th Sept 2019) during phase I include:

- Placement of approx. 22 stone steps from the 50ft buffer mark to the existing permitted use area in lieu of the 8x8 timbers/crushed stone currently outlined, with the use of boulders as necessary as to maintain hill integrity.
- Placement of a 25ft x 9ft wood/composite deck in the current permitted use area.
- Removal of the current proposed 29ft x 9ft deck area and replacing it with a 200 sq/ft water permeable stone patio with spaced joints.
- Addition 20 linear foot by ~4ft tall shoreline wall consisting of natural boulders with 6ft stone steps into the water.
- Removal of three 4in diameter trees within 50ft buffer zone to allow equipment access to shoreline.
- Removal of three 16in diameter trees within previously approved area to be cleared for phase II to allow equipment access to shoreline.
- Replanting of 6 sapling trees (oak or walnut) following completion of phase I in 50ft buffer zone.

**Agent** reminded the members that bank erosion was a concern when permitting the original project and she feels the steps and wall will help minimize future disturbance and erosion. Moving the deck back and placing permeable patio pavers instead is also an improvement. The lot has over 200 linear feet of lake frontage and the proposed plan only uses a small portion. She does advise the Commission require and as-built plan for the project reflecting all changes and Applicant agreed to provide it.

**Public:** No public comments.

**ACTION:** On motion of E. Gaspar, seconded by S. Halterman, the Commission closed the public hearing. **Vote:** 3-yes, 0-no, 1-abstain (Halterman), 1-absent (Goodwin) On motion of D. Barnicle, seconded by E. Gaspar, the Commission approved the Amendment to DEP File # 300-1035 as requested and shown on plans. As-built for lot to be provided upon completion of project. **Vote:** 3-yes, 0-no, 1-abstain (Halterman), 1-absent (Goodwin).

**9:30 365 New Boston Road (f.k.a. 367 New Boston Road Lot 1R) – Request for Amendment DEP File #300-0998;** J.C. Kady Builders, Inc., Applicant; Modify the Limit/Scope of Work for Additional Tree Removal.

**Agent:** The Commission was informed that the proof of Abutter Notification had not been received.

**Applicant:** Stated that they did not mail out the Abutter notifications.

**Agent:** Advised the Commission that no action can be taken on this matter.

**Public:** No public comments.

**ACTION:** The Commission continued the public hearing for the amendment to DEP file #300-0998 to August 18, 2020 at 8:00pm and advised the Applicant to provide notice to abutters and submit proof of such notification (certificates of mailing, certified mail receipts, or abutter signature via hand delivery) to the Conservation Dept. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

### **Letter Permits**

- 167 Cedar Street; D. Roberts, Property Owner; Tree Removal. Applicant seeking approval to removal seven (7) trees (1 dead on edge of wetland, 6 others on the perimeter of the property). He is concerned about falling limbs. An Arborist report was received. The trees are healthy but not near the wetland. There will be enough trees remaining to provide canopy and their removal will not have an impact on the property. **ACTION:** The Commission approved the letter permit for removal of 7 trees by consensus vote. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).

### **Permit Extension Requests**

- **OOCS: DEP File #300-592; Draper Woods.** R. Gendreau advised the Commission that the developer is seeking a 2-year extension to complete several outstanding items: 1) one lot to be constructed, 2) final stabilization at several other lots, 3) final paving of roadways. **ACTION:** The Commission approved a 2-year extension for DEP File #300-592 by consensus vote. **Vote:** 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)

### **Request for Certificate of Compliance**

- DEP File #300-471; 1 Deer Run Circle. Agent recommended partial (part of subdivision) certificate of compliance based upon site visit. **ACTION:** The Commission approved a partial Certificate of Compliance for DEP File #300-471 (1 Deer Run Circle) by consensus vote. **Vote:** 3-yes, 0-no, 1-abstain (Gaspar), 1-absent (Goodwin)
- DEP File#300-1009; 186 Lake Road, M. Smith. R. Gendreau advised members that this request was submitted last fall and was denied due to gutter tie into cultic unit

requirement being incomplete. Agent has revisited the site and items have been addressed. She recommends complete certificate with the exclusion of the rain garden which the Commission approved this year, plus ongoing conditions. **ACTION: The Commission approved a Certificate of Compliance for DEP File #300-1009 by consensus vote with the omission of the rain garden (as approved by SCC earlier this year) and inclusion of ongoing conditions. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).**

- DEP File#300-887; 84A Paradise Lane, J. Mooney. **ACTION: The Commission approved a Certificate of Compliance for DEP File #300-887 by consensus vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)**
- DEP File #300-466; 12 Meadow View Lane. House is within Highlands subdivision and R. Gendreau recommends partial certificate. Lot is not within buffer zone. **ACTION: The Commission approved a Partial Certificate of Compliance for DEP File #300-466 (12 Meadow View Lane) by consensus vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)**
- DEP File #300-1001; 12 Gardner Avenue; N. Lamothe. Site visit performed and signs required at the buffer zone have been installed, plant/mulch on slope installed. Agent recommends approval of certificate with ongoing conditions (boundary signs to remain up, maintain plants on slope). **ACTION: The Commission approved a Certificate of Compliance for DEP File #300-1001 by consensus vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)**
- DEP File #300-466; 9 Meadow View Lane. House is within Highlands subdivision and R. Gendreau recommends partial certificate. Site visit was performed and the limit of developed area is consistent with the plan. **ACTION: The Commission approved a Partial Certificate of Compliance for DEP File #300-466 (9 Meadow View Lane) by consensus vote. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin)**

#### New Business

- No report.

#### Old Business

- **MA DOT Cedar Lake, Enforcement Order:** Commission was updated on the status of the project. R. Gendreau reported that they continue to make good progress with Cedar Lake improvements. Three items currently being reviewed: 1) Small pond/potential vernal pool impact; 2) Detention basins on north side of turnpike; 3) Stream/ bank erosion. B. Clougherty of MA DOT advised the Commission that the resurfacing contract, which the work is tied to, has been awarded. They will meet with the contractor to review plans, and discuss the site/requirements while performing the work. Commission advised MA DOT that they want to hold a pre-construction meeting with the contractor to ensure contractor knows what needs to be accomplished. R. Gendreau inquired recommended cleaning out the catch basins to see if that assists with stormwater control. R. Gendreau also advised the Commission that she reviewed the stream with DPW to see how the Town might be able to help. They discussed removing pile of sediment from the stream. R. Gendreau suggested altering the amount of the draw down at the lake to see if that helps / effects erosion in the stream. R. Ricard of Cedar Lake

Association asked MA DOT when the resurfacing project would start. B. Clougherty advised that they will hold a pre-construction meeting and the Contractor will provide a schedule for the work. Cedar Lake Association would like to be present at the pre-construction meeting. R. Ricard advised R. Gendreau that he will help facilitate modification of the lake draw down with the lake association.

- **Pine Lake Enforcement Order:** R. Gendreau advised the Commission that Pine Lake has requested to: 1) modify drainage by River Road (received today) by installing two catch basins/storm sceptors in the area where the resort access road and River Road intersect; and 2) eliminate the requirement for an independent assessment of resource area impact which they feel is redundant citing Ecotec's findings. R. Gendreau stated that water currently flows overland to the same area of the proposed catch basins. The proposed plan would provide interception and some pre-treatment there. However, she added that she is unaware if the sizing of the proposed catch basins system is capable of handling the water from the site plus the road runoff. This may be a question the Commission would want to raise with Lenard Engineering, as well as requesting an as-built with calculations to support the implementation of system. The Commission asked if it is possible to discharge water besides the stream, and size of the catch basins. The Commission also expressed their dismay that this new plan was received today as it does not allow the Commissioners time to review the plan. Pine Lake advised that the catch basins are to be 3-4 feet deep. They added that the original swale will require tree removal but the catch basins will not. **ACTION: The Commission approved the addition of two catch basins at the area of the access road/River Road intersection by consensus vote: Vote: 3-yes, 1-no (Barnicle), 0-abstain, 1-absent (Goodwin).** Pine Lake was advised that the requirement to perform an independent assessment of the resource area impact was a commitment Pine Lake agreed to at the May 5, 2020 meeting and it is a requirement of the enforcement order. They did not express concern at that time until today. The appeal period has expired. **ACTION: The Commission chose to maintain the requirement to perform and independent assessment of the resource area impact as a condition of the enforcement order by consensus vote: Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).**

### **Forest Cutting Plans**

208 Arnold Road, Szudga: R. Gendreau advised the Commission that the property is in long-term management for forestry. She and S. Halterman met with DCR and the Forester on-site to perform a walk-thru. During the site visit they noted many existing cart roads on the site. FCP includes two culvert crossings and two new wetland crossings. There is no harvesting in the wetlands. **ACTION: The Commission approved of the forest cutting plan by consensus vote and asked R. Gendreau to advise Selectmen of her recommendations. Vote: 4-yes, 0-no, 0-abstain, 1-absent (Goodwin).**

**The Commission asked R. Gendreau to update them on the current enforcement orders at the next meeting.**

### **Adjourn**

**ACTION: On motion f S. Halterman, seconded by D. Barnicle the Commission adjourned at 10:56pm.**