

Sturbridge Conservation Commission

Tuesday, August 18, 2020
Meeting Minutes
Approved September 1, 2020

****Virtual Meeting****

Chairman E. Goodwin read the virtual meeting statement 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.

Chairman E. Goodwin read the public hearing statement.

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

Committee Updates:

CPA: No Report

Trail Committee: Meeting held yesterday. They will be flagging the trails at Riverlands. R. Gendreau will interface with project coordinators. Trolls are being worked on for installation on the trails in town; hoping to stimulate trail interest for young children. Also, the Tantasqua chapter of the National Honor Society will be working on the trails every other week beginning at the end of August. They will receive training from the Trails Committee beforehand.

Open Space Committee: No Report

Lakes Advisory Committee: No Report

Approval of minutes: August 4, 2020

On motion of D. Barnicle, seconded by S. Chidester, the Commission approved the amended minutes as per request of S. Chidester to remove the word abutter after his name during the 27 Ladd public hearing. Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.

Walk-ins:

Proposed 55+ Community (30 Main Street & 20 Fiske Hill Road) Presentation. Developers Jeff and John Stelnok provided a brief presentation of a proposed 55+ Community development project they are seeking Town approval for. Not seeking permit from Conservation Commission at this time just feedback. The proposed project will include 65 manufactured home lots. The project does hinge on an

adjacent proposed project that will produce a subdivision including commercial project. The Stelnok's plan to purchase one parcel of land from that developer for their project. McClure Engineering will seek an ANRAD. They also advised the Commission that the development falls under coach / trailer and as such will remain private property and they will maintain the roads, sewer, water etc. The homes will use Town water and sewer. Water will hook up on Rt. 131 and Sewer will discharge through Southbridge. When asked about stormwater, they advised the Commission that all stormwater will be maintained on-site. The development will be accessed off Rt. 131 and an emergency access route will be located at the back of the site into Southbridge.

Public Hearings

6:15 6 Fairgrounds Road – Request for Determination of Applicability; S. Riley / Property One, Applicant; Construction of Deck and Installation of Fence Deck and Fence.

Documents: Sketch/Plan

Agent: R. Gendreau reported that a site visit was performed on August 11, 2020. The deck which was already installed is located 8 feet from a resource area. Applicant also requesting to install fence parallel to existing fence. R. Gendreau has no concerns and recommends approval with +2B, -3 with conditions, and +5 findings.

Public: No Comment.

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 the applicants request for a deck and fence located at 6 Fairgrounds Road with a Determination of +2B, -3 (with conditions) and +5. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

6:30 229 Podunk – Request for Determination of Applicability; D. Brunelle, AH & DB Custom Homes, Applicant; M. DiPinto, Three Oaks Environmental, Representative; Single Family Home with Well and Septic System.

Documents: Site Plan

Applicant, D. Brunelle, and Representative, M. DiPinto, appeared before the Commission seeking approval for a new single family home with, driveway, well and septic located at 229 Podunk Road.

Applicant/Representative: Advised the Commission the project is all outside of the 200 Foot buffer zone except the reserve area for the septic system. The reserve area is at the 100 foot buffer zone.

Agent: Recommended approval by the Commission with a determination of -1 and -6 with the condition that any subsequent property owners are aware they will need to come back to the Commission and file for a permit if the septic reserve land is ever needed.

Public: No Comment.

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 E. Gaspar the Commission approved the permit for a single family home, driveway, well and septic at 229 Podunk Road, with a determination of -1 and -6, and the condition that any subsequent property owners are made aware that they will need to file for a permit if the reserve area for the septic is needed. **Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

6:45 9 Holland Road – Abbreviated Notice of Resource Area Delineation and Request to Amend DEP File #300-0959; R. DiBonaventura, Owner/Applicant; G. Krevosky, EBT Environmental Consulting Inc., Representative; Approval of Wetland Resource Areas and amend Orders of Conditions for DEP File #300-0959 to remove Special Condition #38 and amend Special Condition #77 to remove the number 38.

Documents: Site Plans

G. Krevosky, EBT Environmental, appeared before the Commission seeking to confirm and ANRAD for 9 Holland Road and to amend the Orders of Conditions for DEP file #300-959 as referenced above.

Agent: R. Gendreau advised the Commission that the items were placed on the same legal ad at the Applicant's request but informed the Commission and the Applicant that the ANRAD and Amendment will each be treated separately and will appear as separate hearings at future meetings. She further advised the Commission that after some research it appears that the permit has expired and although COVID has made some permitting extensions possible during COVID, that does not apply if the permit is in violation. In addition, the permits says "unless exempt" so if the permit is not amended and the historic mill status does apply that language will suffice.

Commission: The Commission asked the applicant how the clean-up at the site was going and the Applicant stated that it was going well and the sediment problems have been solved. The Commission also inquired about the remediation planting plan for the site. The applicant representative replied that he still has questions about the need for replanting requirements.

Agent: R. Gendreau recommended the Commission review the enforcement order and determine what type of restoration they would like for the site. Regarding the ANRAD, R. Gendreau informed the Commission that no DEP File Number has been received to date and advised the hearing will need to be continued until the next meeting. She did recommend that the Commission order a 3rd party wetland review for the flagging and the historic mill qualification and get that process started. The Commission agreed with the requirement of a 3rd party wetland review for 9 Holland Road. They added that they also want the applicant to review the enforcement order and submit an itemized list of the Orders of Conditions which are complete and which are still to be addressed.

ACTION: The Commission approved the requirement for a 3rd Party Wetland Review for the project by consensus. At the request of the Applicant, the ANRAD was continued to September 1, 2020 at 6:30pm and the Request to Amend DEP File #300-959 was continued to 6:45pm on September 1, 2020 by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:00 148 Lake Road – Notice of Intent; DEP File #300-1067; Big Alum Lake Association, Applicant; S. Pikul, Bertin Engineering, Representative; Roadway/Drainage Improvements along Lake Road.

Documents: Revised Site Plan

C. Bertin, Bertin Engineering, representative, and T. Clarke, applicant, appeared before the Commission for approval of roadway and drainage improvements along Lake road.

Agent: R. Gendreau reported that DEP has provided a file number but also had several comments pertaining to the proposed project: 1) The project was filed under one address but is actually taking place at several locations along Lake Road. DEP asks the applicant to ensure those owners have signed the application and the abutters to those properties have been notified as well; 2) Ensure the stormwater system is in compliance with standards for MA; and 3) Ensure there is an OM plan for the stormwater system.

Applicant/Representative: C. Bertin reviewed the proposed plan for the Commission. The road drops approximately 500 feet and slopes away for the lake. In the Old Town Road vicinity there are no drainage structures. They plan to install series of catch basins leading to pipe, leading to swales with check dams to help keep sediment out of the lake. Where there are existing catch basins, they will grade the road to move water to the catch basins and restore low lying catch basins.

Agent: R. Gendreau stated that this is a private road with a lot of stormwater issues and this plan will be a great improvement. The items to be addressed from DEP are procedural and easily remedied. She suggested the applicant request a continuance to address DEP's comments.

Commission: The Commission advised the applicant that the basins will need to be maintained and that such requirement would be part of the Orders of Conditions.

ACTION: Hearing was continued by consensus vote to Sept. 1st at 7:00pm at the request of the Applicant to allow time to notify additional abutters of the project and to address DEP's other comments as discussed. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:15 6 Picker Road – Notice of Intent; DEP File #300-1062; *Continued from August 4, 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 Plans

B. Panis, Arco; C. Bailey, NECS; A. Baum, Summit Engineering, G. Krevosky, EBT Environmental, appeared before the Commission for approval of a wetland crossing and commercial site infrastructure development. D. Feist, Stormwater Peer Reviewer, was also in attendance.

Applicant/Representative: B. Panis advised the Commission that he believes there to be no additional items to be addressed for the wetland peer review and the peer reviewer, A. Alan, agreed. He further stated that there are 19 Stormwater peer review items to be addressed. He added that he believes four of those have already been accomplished, and two others do not require a response. Regarding #28 he asked if they revise the roof recharge basin can they avoid additional testing. Stormwater Peer Reviewer D. Fiest, CMG, still recommends testing as the data must show the system meets MA standards. B. Panis stated that the remaining items will be addressed by the Sept. 1st meeting and asked if approved at that meeting they could get their permit that night.

Agent: R. Gendreau asked if there would be any other changes. B. Panis advised that there are no other changes except the reworking of the recharge basin to make sure it meets standards. He did add that the basin will move slightly closer to the wetland just inside the 100 foot buffer zone. R. Gendreau stated that that should be okay and D. Feist agreed with R. Gendreau's comments. R. Gendreau suggested the Applicant ask for a continuation to allow time to prepare the project revisions and submit the revised plan. She strongly recommended that if the applicant desires permit approval at the Sept. 1st meeting, the plans be to the Conservation Department by August 27th to allow time for the peer reviewer to comment, and the Commission to review, prior to the meeting.

ACTION: The public hearing for DEP file #300-1062 for 6 Picker Road was continued to September 1st at 7:15pm at the request of the Applicant to allow time to submit up to date project revisions and a revised plan. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

7:30 27 Ladd Road; Notice of Intent; DEP File #300-1056; *Continued from August 4, 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 a conflict of interest.

Applicant was not in attendance. G. Krevosky, EBT Environmental, and A. Baum, Summitt Engineer appeared at the meeting.

Agent: R. Gendreau reported that the draft plan for this project was submitted today at approximately 3:30pm. As such, the plan has not been reviewed by the Commission or the Agent prior to this meeting. R. Gendreau stated that she has questions about the size of the structure; and if it meets standards. She also advised the Commission that no alternative analysis has been done.

Applicant/Representative: G. Krevosky stated that there is no alternative for the bridge position. The plan calls for the bridge to be higher and narrower than the existing structure. He added that the applicant will restore the wetlands to its preexisting condition.

Agent: R. Gendreau suggested the Applicant request a continuation to allow the Commission and Agent time to review the submitted plans. The applicant was also advised that any materials to be reviewed at the September 1st meeting by the Commission and Agent for this project are to be received by the Conservation Dept. by close of business on August 27, 2020.

Public: S. Chidester reminded the Commission of the fact that the permit received in Charlton did not include any mention of connecting trails through Sturbridge and that applicant was told not to segment work to get it approved. He further requested the Commission call for a 3rd party review of the proposed work.

ACTION: At the request of the applicant the hearing was continued to September 1, 2020 at 7:30pm by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.

7:45 205B and 205C Podunk Pike; Notice of Intent; DEP File #300-TBA; Continued from August 4, 2020; 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.

Applicant was not in attendance. G. Krevosky, EBT Environmental, and A. Baum, Summitt Engineer appeared at the meeting.

Agenda: R. Gendreau reported that the materials for review were not received until 3:30pm today thus Agent and Commission had no opportunity to review prior to the meeting. She added that no DEP File Number has been issued to date, also DEP records do not indicate that this matter has been filed with DEP to date either. She suggested the Conservation Commission perform a site visit on August 25th.

Applicant/Representative: G. Krevosky stated that the plan submitted will move the trails and restore the wetlands. He also advised the Commission that he will arrange the site visit with the Applicant as requested by the Commission and requested a continuation.

Commission: Inquired how many linear feet of trails are on the properties and G. Krevosky advised the Commission that he is unaware of the linear footage. The Commission also asked if the plan submitted was a final plan or preliminary plan. G. Krevosky advised that the flagging is a final plan.

ACTION: At the request of the applicant the hearing was continued to September 1, 2020 at 7:30pm by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Chidester), 0-absent.

8:00 365 New Boston Road (f.k.a. 367 New Boston Road Lot 1R) – Request for Amendment DEP File #300-0998; Continued from August 4, 2020; J.C. Kady Builders, Inc., Applicant; Modify the Limit/Scope of Work for Additional Tree Removal.

Documents: Site Plan (original plan with revision overlay)

J. Kady, Owner/Applicant, appeared before the Commission seeking approval to amend DEP File #300-998, specifically the scope and limit of work.

Agent: R. Gendreau reported that the new owner is seeking to shift the proposed house closer to the road which will eliminate much of the work in the back of the lot. The house will still be 60 feet from the road and will also have a smaller driveway. Movement of the home towards the road will move it to approximately 40 feet from the wetlands and eliminate the work near the wetlands. They are asking to revise the limit of work line in the front of the lot (the triangle area) and 3 additional pine trees that are outside the original limit of work are requested to be removed.

Commission: Commission was pleased with the plan as it reduces the effect on the wetlands.

Public: Reminded the Commission that a number of trees have already been removed from the site which they believe to be outside the limit of work. Agent advised that most were actually within the limit of work. Commission asked applicant to replace the three trees that the Agent did not outside the limit of work with a 2:1 ratio. Agent will condition the size (1 ½ DBH) and location of the replacement plantings in the field. Two seasons of growth monitoring will be required as well. Public also expressed their concern about wetlands nearby and the scenic road regulations. Scenic roads do not fall under the Conservation Commission's jurisdiction.

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 D. Barnicle, seconded by E. Gaspar, the Commission approved the amendment as requested and shown on the plan with addition of a swale along the driveway, the restoration plantings discussed and general conditions. Vote: 5-yes, 0-no, 0-abstain, 0-absent.

Signatures:

Request for Certificate of Compliance

- 63 New Boston Road; SCC #17-29; C. Goess. R. Gendreau advised the Commission that this was a local permit that had a plan revision due to road drainage on the site. The change is a good change to the project as it moves water to the upland. The new plan and date will be

- referenced in the certificate. **ACTION: The Commission approved the Certificate of Compliance for SCC #17-29 for 63 New Boston Road by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
- 202 Lake Road; DEP File #300-1006; W. Stearns. R. Gendreau advised the Commission that the permit for this property contains the condition to monitor plantings for two growing seasons. **ACTION: As it has not been two growing seasons the Commission denied the request for Certificate of Compliance until such time has passed by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
 - 272 Big Alum Road; DEP File #300-0953; J. Howard. R. Gendreau advised the Commission that the permit for this property contains the condition to monitor plantings for two growing seasons. **ACTION: As it has not been two growing seasons the Commission denied the request for Certificate of Compliance until such time has passed by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**
 - 84 McGargle, DEP File #300-1024; A. Sikes. **ACTION: The Commission approved the Certificate of Compliance for DEP File #300-1024 for 84 McGargle by consensus vote. Vote: 5-yes, 0-no, 0-abstain, 0-absent.**

Orders of Conditions

- **159 Walker Pond Road - Notice of Intent; DEP File #300-1065;** J. Straub, MA Department of Conservation and Recreation, Applicant; A. Patterson, ESS Group, Inc., Representative; Walker Pond Beach Maintenance. **ACTION: Commission authorized signatures by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.**
- **8 Picker Road – Notice of Intent; DEP File #300-1066;** 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. **ACTION: Commission authorized signatures by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.**
- **70 Westwood Drive – Request for Amendment DEP File #300-1035;** J. Wages, Applicant; Modify limit/scope of work to include deck/patio/shoreline work. **ACTION: Commission authorized signatures by consensus vote. Vote: 4-yes, 0-no, 1-abstain (Goodwin), 0-absent.**

New Business

- 30 Main Street & 20 Fiske Hill Road: 55+ Community Presentation. Discussed under walk-ins.
- Big Alum Draw Down Date Request: Withdrawn by applicant.
- Review of Enforcement Orders. Agent reviewed the enforcement orders issued from 2014 to date.

Old Business

- **Rampco Ham Rod and Gun Club Enforcement Order.** Contractor reported that the site has been re-hydro seeded, regrading is complete, drainage pipe installed, mulch spread. Agent performed site visit and engineer has reviewed the storm water system. They have addressed almost all of the outstanding items. Once the final pipe is installed they will be complete. That is expected within the next two weeks. Plantings will have time to grow over that period and after that Conservation can sign off and they can proceed to the Selectmen for sign off.
- **DEP File #300-1041; 31 South Shore Road; G. Allard.** R. Gendreau reported that a neighbor informed the Board of Health and Conservation Dept. of a beaver dam issue at this site causing a water issue on his property. R. Gendreau toured the site in June to determine if the culvert was being kept clear so water can flow as specified in the Orders of Conditions for the stormwater permit for the site. At that time she noted water flowing around the beaver dam. However, a recent site visit revealed a much larger beaver dam with little to no flow of water. The Allard's are to keep the culvert free flowing as a condition of their stormwater plan approval. A neighbor has brought the matter to court. **ACTION: On motion of S. Chidester, seconded by S. Halterman, the Commission called for the Agent to draft a letter to the court advising them of the permit requirements that are not being met,**

including the maintenance of the culvert and the restoration of the temporary parking area.

Letter Permits

- 367 New Boston Road, SCC #17-45; A. Sposato. This item has been removed from discussion. The permit approved a garage and the permit is still open so the applicant can construct the garage under that permit, there is no need for a new permit.

Site Visits: Scheduled for Tuesday, August 25, 2020.

Adjourn: On motion of S. Chidester, seconded by E. Gaspar, the Commission adjourned at 9:05pm.